Washington, Wednesday, September 14, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Adminis« tration, Department of Agriculture

> Subchapter E-Account Servicing [Administration Letter 318 (450)]

> > PART 361-ROUTINE

RETURN OF NOTES AFTER SATISFACTION OF JUDGELIENTS

Section 361.7 of Title 6, Code of Federal Regulations (19 F. R. 2762), is hereby amended by the addition of a new paragraph (f) as follows:

§ 361.7 Miscellaneous servicing on operating loan accounts. * * *

(f) Return of notes after satisfaction of judgments. Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney.

(R. S. 161; 5 U. S. C. 22)

Dated: September 9, 1955.

[SEAL]

R. B. McLeaish. Administrator

Farmers Home Administration.

[F. R. Doc. 55-7424; Filed, Sept. 13, 1955; 8:52 a. m.]

TITLE 7-AGRICULTURE

Chapter VIII-Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G-Determination of Proportionate Shares

[Sugar Determination 850.8, Supp. 7]

PART 850-DOMESTIC BEET SUGAR PRODUCING AREA

OREGON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1955

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260) as amended, (20 F. R. 1635), the Agricultural Stabilization and Conservation Oregon State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 17,685 acres established for Oregon by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Ross Building, 4th Floor, 209 S. W. 5th Avenue, Portland, Oregon, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Oregon. These bases and procedures incorporate the follow-

§ 850.15 Oregon—(a) Proportionate Oregon shall be divided share areas. into two proportionate share areas comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated as follows: Nampa-Nyssa and Toppenish. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average - acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 98.7 percent of the 1953-54 average acreage and pro rata adjustments to a total of 17,685 acres. Acreage allotments computed as aforestated are established as follows: Nampa-Nyssa Area-15,496 acres and Toppenish Area—2,189 acres.
(b) Set asides of acreage. Set asides

of acreage shall be made from each area allotment of 1 percent for new producers and 1 percent for appeals.

(c) Requests for proportionate shares. A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before

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This issue, containing a 57-page indexdigest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

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6752	farm in the Nampa-Nyssa area operator is not a tenant in the	vhose

(a) Nampa-Nyssa Area. For each farm in the Nampa-Nyssa area whose operator is not a tenant in the 1966-crop season, the farm base shall be established from the planted sugar beet

acreage record of the farm, and for each farm in such area whose operator is a tenant in the 1955-crop season, a farm base shall be established from the planted sugar beet acreage record of the farm, or the planted sugar beet acreage record of the producer, whichever gives the higher base. Such farm base shall be computed by giving a weighting of 80 percent to the average acreage of the crops of 1950 through 1954, as a measure of "past production" and a weighting of 20 percent to the largest acreage of the crops of 1950 through 1954, as a measure of "ability to produce"

(b) Toppenish Area. For each farm in the Toppenish area whose operator is not a tenant in the 1955-crop season or whose operator is a tenant without a personal sugar beet production record in the 1952-54 period, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements except that for sugar beet acreage grown on cash rented land, a credit shall be given for 25 percent of such acreage. For each farm in such area whose operator is a tenant in the 1955-crop season with respect to all of the land in the farm, the farm base shall be established from the personal sugar beet acreage production record of the operator. For each farm in such area whose operator for the 1955crop season is an owner with respect to part of the land in the farm and a tenant with respect to the balance of such land, the farm base shall be established from a combination of farm and personal acreage production records as computed for the respective parts of the farm as heretofore provided in this subdivision.

(ii) The farm base shall be one-third of the total of the applicable planted sugar beet acreages determined in accordance with the foregoing provisions of this subdivision for the years 1952, 1953 and 1954, except that:

(iii) Where there is a planted sugar beet acreage record for each of the years 1952, 1953 and 1954, the farm base shall not exceed 100 percent of the 1954 acreage nor be less than 90 percent of the 1954 acreage;

(iv) Where there is a planted sugar beet acreage record for 1954 and either 1952 or 1953, the farm base shall not be less than 85 percent of the 1954 acreage; and

(v) Where there is planted sugar beet acreage record for 1954 only, the farm base shall not be less than 80 percent of the 1954 acreage.

(2) Initial proportionate shares. Initial proportionate shares shall be established from the farm bases in-each proportionate share area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides, except that for each farm in the Toppenish area with a base of 8.0 acres or less, the initial share shall coincide with the base, and for each farm in the Nampa-Nyssa area with 4 acres of sugar beets or less in 1954, the initial farm share shall not be less than the 1954 planted acres.

(3) Adjustments in initial shares. Within the acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(4) Proportionate shares for new producers. Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. And to give effect to production experience, first consideration shall be given to a farm operator who was a sugar beet producer as a tenant during the base period (1950-54 for the Nampa-Nyssa Area and 1952-54 for the Toppenish Area) and who is an owner-operator in 1955 on land without sugar beet production history in the base period.

(5) Adjustments under appeals. Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) Adjustments because of unused acreage. To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from set-aside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) Notification of farm operators. The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Grop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103 marked "Revised."

(8) Determination provisions prevail. The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of \$ 850.8.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation

Oregon State Committee for determining farm proportionate shares in Oregon in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The division of Oregon into two areas as served by beet sugar companies provides a reasonable subdivision of the State, in relation to the operation of sugar beet processing plants and the use of advisory committees comprising grower and processor representatives. The formula used in dividing the State acreage allocation between these areas is similar to the formula used by the Department of Agriculture in establishing State allocations.

The subdivision of the Nampa-Nyssa area allotment into individual farm proportionate shares is based on a formula quite similar to that used in dividing the State allocation, while the subdivision of the Toppenish area allotment is based primarily upon 3-year average acreages, with specified maximum and minimum levels to reflect acreage trends. Since sugar beet production in Oregon is organized around tenant-operators rather than around units of land, the personal production records of the farm operators, as well as the production records of the farms, are considered generally in establishing individual farm proportionate shares.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: July 5, 1955.

[SEAL] E. HARVEY MILLER, Chairman, Agricultural Stabilization and Conservation Oregon State Committee.

Approved: September 1, 1955.

LAWRENCE MYTHS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-7419; Filed, Sept. 13, 1955; 8:52 a. m.]

[Sugar Determination 850.8, Supp. 11]
PART 850—Dolustic Beet Sugar
PRODUCING AREA

TEXAS FARM PROPORTIONATE SHARES FOR 1955 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F. R. 7260), as amended (20 F. R. 1635), the Agricultural Stabilization and Conservation Texas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,590 acres established for Texas by the determination. Copies of these bases

and procedures are available for public inspection at the office of such committee at the A. A. A. Building, College Station, Texas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Texas. The bases and procedures incorporate the following:

§ 850.19 Texas—(a) Set asides of acreage. From the State allocation there is set aside 63 acres for use in establishing farm proportionate shares for new producers, 16 acres for adjusting individual farm proportionate shares under appeals, and 40 acres for adjusting initial farm proportionate shares.

(b) Requests for proportionate shares. A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases.

(c) Establishment of individual farm proportionate shares—(1) Farm bases. For each farm in Texas, the farm base shall be established from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the average acreage of the crops of 1953—54, as a measure of "ability to produce."

(2) Initial Proportionate shares Initial proportionate shares shall be established from the farm bases on a pro rata basis so that the total of the farm shares equals the State allocation less

the prescribed set-asides.

(3) Adjustments in initial shares Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in mitial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of dramage, availability of production and marketing facilities, and the production experience of the operator.

(4) Proportionate shares for new producers. Within the acreage set aside for new producers, proportionate shares shall be established for new porducers (as defined in §850.8) by taking into consideration the suitability and area of available land, availability of irrigation water, availability of production and marketing facilities and the production

experience of the operator.

(5) A'd nustments under appeals. Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable to appeals.

(6) Adjustments because of unused acreage. To the extent of acreage available within the State allocation from underplanting and failure to plant proportionate share acreages, and from setaside acreages remaining unalloted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made insofar as practicable during the planting season on a pro rata basis for the farms whereon additional acreage may be planted.

(7) Notification of farm operators. The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a farm SU-103 marked "Revised"

(8) Determination provisions prevail. The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of

§ 850.8**.**

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Texas State Committee for determining farm proportionate shares in Texas in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The establishment of individual farm proportionate shares directly from the State allocation, without subdividing the State into proportionate share areas, is reasonable considering that the sugar beet producing region of the State is relatively small and only one beet sugar company contracts for acreage in Texas. The formula used in subdividing the State acreage allocation into individual farm proportionate shares is similar to that used by the Department of Agriculture in establishing State allocations, but "ability to produce" is measured by the 1953-54 average acreage rather than the largest acreage of any of the crops of 1950 through 1954.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Dated: August 4, 1955.

[SEAL] R. G. SHRAUNER,
Chairman, Agricultural Stabilization and Conservation
Texas State Committee.

Approved: September 1, 1955.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 55-7420; Filed, Sept. 13, 1955; 8:52 a. m.] [Sugar Determination 850.8, Supp. 13]
PART 850—DOMESTIC BEET SUGAR
PRODUCING AREA

NEBRASKA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1955 Crop (19 F R. 7260), as amended (20 F R. 1635), the Agricultural Stabilization and Conservation Nebraska State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 58,720 acres established for Nebraska by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 407, U. S. Postoffice and Courthouse Building, Lincoln, Nebraska, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet, producing countles of The bases and procedures Nebraska. incorporate the following:

§ 850.21 Nebraska—(a) Proportionate share areas. Nebraska shall be divided into four proportionate share areas as served by beet sugar companies. These areas shall be designated "American Crystal," "Great Western," "Holly," and "Utah-Idaho," respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce," with pro rata adjustments to a total of 58,720 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—5,669 acres; Great Western Area—49,462 acres; Holly Area-441 acres; and Utah-Idaho Area-3,148 acres.

(b) Set asides of acreage. Set asides of acreage shall be made from each area allotment of 1 percent for new producers and 1 percent for appeals. In addition, set asides for making adjustments in initial proportionate shares shall be made as follows: American Crystal Area—5.7 acres, Great Western Area—0 acres, Holly Area—0 acres, and Utah-Idaho Area—10.0 acres.

(c) Requests for proportionate shares. A request for each farm proportionate share shall be filed at the local ASC County office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator and shall be filed on or before the closing date for such filing, as established by the State Committee and publicized through local news releases, except that a request may be accepted by the ASC State Committee after that date if the failure to timely file was not the fault of the operator.

(d) Establishment of individual farm proportionate shares—(1) Farm bases. Farm bases shall be established as

follows:

(i) American Crystal Area. For each farm in the American Crystal Area, the farm base shall be computed from the applicable planted sugar beet acreage, as defined hereinafter, by giving a 75 percent weighting to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a 25 percent weighting to the largest acreage of the crops of 1950 through 1954, as a measure of "ability to produce" with a minimum of 94 percent of the average 1953–54 acreage. The applicable planted sugar beet acreage shall be determined as follows: For a farm totally owned by the 1955 operator, the applicable planted sugar beet acreage shall be the planted acreage for the farm within the base period: and for a farm for which the 1955 operator is a tenant in any capacity, the applicable planted sugar beet acreage shall be the acreage planted by the operator in the area within the base period; provided that in case both the owner-operator of land and the person who was a tenant on the same land request proportionate shares, the acreage record of such land shall be divided between such owner and tenant on the basis of the effective crop shares.

(ii) Great Western and Holly Areas. For each farm in the Great Western Area or the Holly Area, the factors "past production" and "ability to produce" shall be measured by establishing a farm base computed by multiplying the average planted sugar beet acreage for the farm for the crops of 1950 through 1954 (total planted acreage divided by the number of crops for which beets were actually planted) by the percentage shown for the category applicable to the farm, as follows:

(iii) Utah-Idaho Area. For each farm in the Utah-Idaho Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 25 percent to the average acreage for-the crops of 1953-54, as a measure of "ability to produce"

(2) Initial proportionate shares. Initial proportionate shares shall be established from the farm bases meach of the American Crystal and Utah-Idaho areas on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides. In each of the Great Western and Holly Areas, the farm bases as computed in subdivision (ii) of paragraph (d) (1) of this section shall constitute the initial proportionate shares.

(3) Adjustments in initial shares. Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in mitial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(4) Proportionate shares for new producers. Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established for new producers (as defined in § 850.8) by taking into consideration the suitability and area of available land, availability of equipment for the production of sugar beets, availability of irrigation water, availability of marketing facilities and the production experience

of the operator.

(5) Adjustments under appeals. Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of the determination applicable

to appeals.

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(6) Adjustments because of unuscd acreage. To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant proportionate share acreages, and from setaside acreages remaining unallotted, adjustments shall be made in farm proportionate shares throughout the 1955-crop season. These adjustments shall be made incofar as practicable during the planting season in the area on a pro rata basis for the farms whereon additional acreage may be planted.

(7) Notification of farm operators. The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1955 Sugar Beet Crop, even if the acreage established is "none" and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103

marked "Revised"

(8) Determination provisions prevail. The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.8.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nebraska State Committee for determining farm proportionate shares in Nebraska in accordance with the determination of proportionate shares for the 1955 crop of sugar beets, as issued by the Secretary of Agriculture.

The divicion of Nebracka into general areas as cerved by best sugar companies provides a reasonable subdivision of the State, in relation to geographical locations, the operation of sugar best processing plants and the use of advisory committees comprising grower and prozessor representatives. The formula used in subdividing the State acreage allocation among these areas is identical to that used by the Department of Agriculture in establishing State allocations. The formula used in subdividing the allotments for two areas into individual farm proportionate shares also employs the same base period and similar weightings. For the Great Western and Holly Areas, a special formula was developed to recognize a larger number of categories and to give greater weight to length of production and recent production. The percentage factors used in these two areas reflect adjustments made in order that the total acreage of farm bases in each area equalled the area allotment less the prescribed setasides. Since sugar beet production in the American Crystal Area of Nebraska is organized around tenant-operators rather than around units of land, the personal production records of the farm operators are considered generally in establishing individual farm proportionate shares in that area.

The bases and procedures for making adjustments in initial proportionate shares, for establishing shares for new producers, and for adjusting proportionate shares because of unused acreage and appeals, set forth criteria to be followed for each of these operations in order that a fair and equitable proportionate share may be established for each farm.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 939; 7 U. S. C. 1132)

Dated: August 4, 1955.

[SEAL] PARR Young,
Chairman, Agricultural Stabilization and Conservation
Nebrasl:a State Committee.

Approved: September 1, 1955.

LAWRENCE MYERS,
Director, Sugar Division,
Commodity Stabilization Service.
[F. R. Doc. 65-7418; Filed, Sept. 13, 1955;

8:51 s. m.1

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture 1957,313, Amdt.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIZITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 957.313 (b) (1) (20 F R. 4794, 5807, 6075) are hereby amended to read as follows:

(b) Order (1) During the period from September 20, 1955, to October 8, 1955, both dates inclusive, no handler shall ship potatoes of any variety unless at least 90 percent of such potatoes are "fairly clean" and (i) if they are of the red skin varities such potatoes meet the requirements of the U.S. No. 1 or better grade, 2 inches minimum diameter, (ii) if they are of the White Rose variety such potatoes meet the requirements of the U.S. No. 1 or better grade, Size A, 2 inches minimum diameter, or 4 ounces minimum weight, and (iii) if they are of any other varieties, including but not limited to Russet Burbanks, Early Gems, Kennebees, and all round white varieties, such potatoes meet the requirements of the U.S. No. 2 or better grade, Size A, 2 inches minimum diameter, or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title) including the tolerances set forth therein. (Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Done at Washington, D. C., this 9th day of September 1955 to become effective September 20, 1955.

[SEAL] FLOYD F HEDLUND,

Acting Director

Fruit and Vegetable Division.

[F. R. Doc. 55-7417; Filed, Sept. 13, 1955; 8:51 a. m.]

PART 1003—HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

BUDGET OF EXPENSES AND RATE OF ASSESS-MENT FOR 1955-56 CROP YEAR

Pursuant to Marketing Agreement No. 127 and Order No. 103 (20 F R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of, and information supplied by, the Date Administrative Committee, it is hereby found and determined and it is, therefore, ordered, that the budget of expenses of the Date Administrative Committee and the rate of assessment, for the crop year ending July 31, 1956, shall be as follows:

§ 1003.300 Budget of expenses of the Date Administrative Committee and rate of assessment for the crop year ending July 31, 1956—(a) Budget of expenses. Expenses in the amount of \$36,000 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning for the crop year ending July 31, 1956. As provided in § 1003.71, such expenses for said crop year shall cover expenses incurred from July 15, 1955, through July 31, 1956.

(b) Rate of assessment. Each handler shall pay to the Date Administrative Committee, in accordance with the express requirement contained in § 1003.72, an assessment of 15 cents per hundred-weight of dates handled or certified for handling by him as the first handler thereof during the period beginning September 1, 1955, and ending July 31, 1956.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the foregoing action until 30 days or any lesser period, after publication thereof in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U.S. C. 1001 et seq.) because: (1) The rate of assessment for the period in question has been prescribed in the marketing agreement and order pursuant to formal notice and hearing procedures; (2) assessable dates are now being handled by handlers: (3) the likelihood that this action would be taken is already well known in the date industry and (4) this action will require no advance preparation by the handlers.

(Sec. 5, 49 Stat. 753, as amended: 7 U.S. C. 608c)

Issued at Washington, D. C., this 9th day of September 1955, to become effective on the date on which this order is published in the Federal Register.

[SEAL] F R. BURKE,

Acting Deputy Administrator

[F. R. Doc. 55-7416; Flied, Sept. 13, 1955;

8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C-Military Personnel

PART 50—ENLISTMENT AND DISCHARGE OF INDIVIDUALS WITH JUVENILE AND YOUTHFUL OFFENDER RECORDS

Sec. 50.1 Purpose. 50.2 Policy.

AUTHORITY: §§ 50.1 and 50.2 issued under sec. 202, 61 Stat. 500, as amended, 5 U.S. C. 171a. Interpret or apply Reorg. Plan No. 6 of 1953, 18 F. R. 3743, 3 CFR, 1953 Supp.

§ 50.1 Purpose. The purpose of this part is to establish uniform policies in the enlistment and separation regulations and procedures of the armed services concerning individuals with juvenile and youthful offender records.

§ 50.2 Policy. (a) Enlistment of applicants with juvenile and youthful offender records.

(1) The fact of adjudication as a youthful offender or juvenile delinquent by a State or disposition by Federal juvenile authorities is not in itself a bar to enlistment if the applicant is otherwise eligible. An applicant is to be judged as to his fitness for the armed services by his character as of the time of his application for enlistment.

(2) During enlistment processing each applicant will be specifically questioned concerning juvenile and youthful offender records; the policies of the services in this regard and the necessity for complete and accurate statements will be thoroughly explained to the applicant; and he will be required to sign a written statement as to whether or not he has any type of record of juvenilo delinquency or of being a youthful offender. If he admits such record, or if he does not admit one and the enlisting agency has reason to believe such a record does exist, enlistment action will be held in abeyance pending a complete investigation of the facts in the case. Contact will be made with the civil authorities for information as to the applicant's character and rehabilitation, the actual offenses committed, circumstances in the case, disposition by the courts, actual confinement served and whether any form of civil restraint still exists. The evaluation of the civil court and its probation officers will be an important consideration. Any other information deemed relevant to an evaluation of the case may also be requested. Where civil authorities refuse to furnish information, the enlistment will be held in abeyance and the applicant advised

that the burden of obtaining and furnishing the information is upon him.

(3) If civil restraint no longer exists and if the applicant's over-all rehabilitation appears to be satisfactory and if otherwise qualified for service he may be accepted for enlistment. If the applicant's over-all rehabilitation has not been satisfactory or if the investigation discloses him to be morally unacceptable for military service and unfit to associate with members of the military service, he shall be rejected for enlistment. Such rejection will be on the above grounds and not due to the fact that the applicant was adjudged a youthful offender or juvenile delinquent.

(4) Recruiting personnel will be thoroughly trained in and familiar with all aspects of the interrogation procedure.

(b) Disposition of enlistees who denied upon enlistment that they had juvenile and youthful offender records.

 Upon discovery subsequent to enlistment that an enlistee denied a juvenile or youthful offender record, action will be taken to ascertain all the facts in the case. Contact will be made with the civil authorities for information as to the actual offenses committed, curcumstances in the case, disposition by the juvenile or youthful offender courts, actual confinement served and whether any form of civil restraint still exists. Any other information deemed relevant to an evaluation of the case may also be requested. In addition, the man will be afforded the privilege of making a statement after being advised of his rights under Article 31, MCM, 1951.

(2) In the interest of conservation of manpower, the concealment of such records should not automatically preclude the retention of the individual unless investigation shows the individual morally unsuited for military service and association with other members of the military

service.

(3) The facts in the case, the man's statement, the determination of the court and its officers, and the military service rendered by the enlistee since enlistment will be evaluated in order to determine whether subject should be discharged or retained in the service.

(4) If discharge is determined to be proper, it will be for unsuitability under honorable conditions unless circumstances are such as to warrant a lower type discharge, in which case a discharge by reason of misconduct (fraudulent enlistment) may be effected. If retention in the service is deemed appropriate, subject will be granted a waiver and notation thereof made in his service record.

(5) In the event investigation reveals that civil restraint exists and the man's retention is desired, the civil authorities will be requested to terminate or suspend such restraint for the duration of the enlistment.

CARTER L. BURGESS. Assistant Secretary of Defense (Manpower, Personnel and Reserve)

[F. R. Doc. 55-7380; Filed, Sept. 13, 1955; 8:45 a. m.1

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I-Veterans Administration

PART 3-VETERANS CLAIMS

REVISION OF DECISIONS

In § 3.9, paragraph (d) is amended to read as follows:

§ 3.9 Revision of decisions. • • •

(d) Authority to sever service-connection upon the basis of clear and unmistakable error (the burden of proof being upon the Government), is vested in regional offices. Service-connection will not be severed in any case on a change of diagnosis in the absence of the certification hereinafter provided. Accordingly, in reports, of examinations submitted for rating purposes, where a change in diagnosis of service-connected disability is made, the examining physician or physicians or other proper medical authority, will be required to certify, in the light of all accumulated medical evidence, that the prior diagnosis on which service-connection was predicated was not correct. This certification will be accompanied by a summary of the facts, findings, and reasons supporting the conclusion reached. When, in the judgment of the examining physicians, a newly diagnosed disease is a maturation or extension of an earlier diagnozed disease, they will so state. No certifica-tion of error in the prior diagnosis is to be made under these circumstances. This will not preclude examining physicians from concluding, in proper cases, that a formerly diagnosed disease was an expression of a basic physical or personality defect; such changes of dlagnosis, however, require certification of error as to prior diagnoses. When the examining physician or physicians, or other proper medical authority, are unable to make the certification provided herein, service-connection will be continued by the rating agency. Where this certification is made, or an opinion is recorded that a newly diagnosed disease is a maturation of an earlier diagnosed disease, the case will be carefully considered by the rating agency, and in the event it is determined in consideration of all the accumulated evidence that service-connection should be continued, a decision to that effect will be rendered, citing this section as authority. If in the light of all the accumulated evidence, it is determined that service-connection may not be maintained, it will be severed. The claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed 60 days from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans Administration issue; or (4) where the evidence establishes the service-connection to be clearly illegal. (See Veterans Administration claims procedures.)

(Sec. 5, 43 Stat. 603, as amended, sec. 2, 46 Stat. 1016, cec. 7, 48 Stat. 9; 38 U. S. C. 112,

This regulation is effective September 14, 1955.

[SEAL] J. C. PALLIER. Assistant Deputy Administrator

[P. R. Dec. 55-7403; Filed, Sept. 13, 1955; 8:49 a. m.]

PART 4-DEPENDENTS AND BENEFICIARIES CLAILIS

In § 4.168, paragraphs (a) (11) and (b) (1) and (2) are amended to read as follows:

§ 4.168 Jurisdiction of dependents pension boards. (a) * * '

(11) Eligibility of designated persons under specific acts, such as Public Law 229, 79th Congress, as amended by Public Law 506, 81st Congress and Public Law 381, 83d Congress (with service in the Korean conflict terminated as of January 31, 1955 by Presidential proclamation for service connection under wartime criteria), where Veterans Administration determination is required as to whether death of a veteran was due to service-connected disability.

(b) * * *

(1) The veteran was missing or missing in action and under the provisions of Public Law 490, 77th Congress, as amended, the death of the veteran has been presumed by the service department: Provided, That the date the veteran is reported as having been missing or missing in action as distinguished from the date of presumed death was prior to July 26, 1947, or after June 26, 1950, and prior to February 1, 1955: And provided further, That it is not shown that the veteran survived beyond the date of presumed death. The provisions of this subparagraph do not apply, however, to the case of any member of the Philippine Scouts or the Commonwealth Army of the Philippines where the veteran, at any time prior to his death, was an escaped or released prisoner of war or had left his organization in anticipation of or due to the capitulation. (See also § 4.78 (b) (4).)
(2) The veteran was killed in action,

or died in service from wounds received in action, during a period of war or after June 26, 1950, and prior to February 1, 1955.

(Sec. 5, 43 Stat. 603, as amended, sec. 2, 46 Stat. 1016, cec. 7, 43 Stat. 9; 38 U. S. C. 112,

This regulation is effective September 14, 1955.

J. C. PALLIER. [SEAL] Assistant Deputy Administrator.

[P. R. Dec. 55-7410; Filed, Sept. 13, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II-Civil Aeronautics Administration, Department of Commerce

Part 609—Standard Instrument Approace Procedures

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required Part 609 is amended as follows:

Note: Where the general classification (LFR VAR ADF ILS GOA or VOR) location and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one as of the effective date given, to the existing the fifters from the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended

The low frequency range procedures prescribed in § 609 6 are amended to read in part:

Bening, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Collings are in feet above airport elevation.

If an LYR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Acconatics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for on route operation in the particular area or as set forth below LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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HONOLULU, HAWAII. Honolulu International Air BRAZ HUL. Procedure No. Effective: October 8 1955 Amendment C-9. Supersveits Amendment C-8 Supersveits Amendment C-8 Gated June 22, 1955. Major changes: increase mini ma for straight in approaches. Increase circling minima 76 miles per hour or less RPOKANE, WASH. SPORANE, WASH. Patrchild Air Force Base 2437. Patrchild Air Force Base Patrchild Air Force Base Chiral Control of the Control of th	Barbers Point FM (final) Instrument approach to be contained in current USO &	nducted 1	600 n accordan	Barbers Point FM (final) 665—8 600 S side of SW course: 600 675—5 605 inbound 65 miles 2 000 Within 25 miles 7 000 Within 25 miles 7 000 Within 25 miles 7 000 Miles 100 Miles 1	500 pproach proced	or6-2 6	A-dn A-dn A-dn A-dn A-dn A-dn A-dn A-dn	2 ongines or less dn 400-1 n 8 600-1 dn 8 600-1 More than 2 engines dn 1 1000-2 dn 1,000-2 dn 1,000-2 dn 1,000-2 dn 1,000-2 dn 1,000-2 More than 2 engines	\$ 400-1 500-1 500-1 500-1 500-1 500-1 500-1 1 000-1 1,000-1 1,000-1 1,000-1	Within 2 6 miles, climb to 2,000 on S course (160°) and proceed to Southgate Intersection of Southgate Intersection (60°2, will late-hand turn recommended. Am Oarmen Nore: Siding scale not authorized authorized #Landings on Runway 14 restricted to 600-2
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The automatic direction finding procedures prescribed in § 609 8 are amended to read in part:

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MEL. Collings are in feet above alread at the below named alread, it shall be in accordance with the following instrument approach is conducted at the below named alread, it shall be in accordance with the following instrument approach is conducted in accordance with a different procedure area or as set forth below.

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The very high frequency omnitange procedures prescribed in § 609 9 (a) are amended to read in part:

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Effective: October 8 1955 Amendment O-6. Supersedes Amendment 5 dated June 18 1955.	Intersection SE course Port Allen LFR and bearing 348° to HNL VOR (South gate Intersection)	348—18	6,000				Modular du	More than 2 engines	1	And takeous to My 639 was no restricted to 600-2 with Jefchand turn recommended. Am Charlier Note: Sliding scale not au thoried.
mujor chinges; mercase min ima for straight in ap proaches. Increase circling minima 75 miles per bour or less	Intersection SE course Port Alion LFR and bearing 055° to HNL VOR (Makal Intersection)	065—17	2 000				A-dn		800-2 800-2	#Landings on kunway 14 restrated to 600-2
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4 The very high frequency omnitabge procedures prescribed in § 609 9 (b) are amended to read in part:

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	Initial anneach to facility	-mon	8	nov-19a	OGT-VOR	опі-гев	Radar transitions altitudes	by sector from 185° clock- wise through 309° to 60° within 20 nautical miles, From 60° clockwise through 185° to 185° within 20 nau- tical miles	the state was the state of	אנגם דווו ציטן (חוונון)		
	Olty and State; alrport name,	idontification; Procedure No (TVOR); offective date	1	OHIOAGO, ILL	and the state of t	Effective date: October 8 1055	Supercodes original dated		THE SALVE	Woodrum Field, 1,174'	TVOR-25. Effectivedate: October 8, 1035 Amendment—Original	

5 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated Elevations and altitudes are in feet, MSL. Cellings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted at the below named airport, it shall be made over specified routes Minimum altitude(s) shall correspond with those established for on route operation in the particular area or as set forth below:

If visual contact not established upon descent to authorized land ing minimums or If landing not accomplished			13	Proceed to Hensley Intersection,	miles LOM (ADF) turn right,	climbing to 2,000'.	sea level located 5 miles ENE	of outer marker. 400-34 re	utilized. **Transport of the state of the st	-			•
ninimums	Type aircraft	More than 75 m p h	12	9	265	2	2007	400-1	86-15 8-15	200 %	400-1	2-009	800-2
visibility 1	Type	75 m.p h or less	Ħ	gines or le	C-dn 400-1	1 000	2002	400-1	More than 2 engines T-dn 2			All aircraft	
Colling and visibility minimums		Condition	10	2 en	d G	8-dn 13	STT	ADF	More T-dn O-dn	S-dn 13 II,S	ADF	A-dn ILS	ADF
dide slope	of runway	Middle	٥	9 0077									
Altitude of g	proach end of runway at-	Outer marker	80	2 000—5 3									
Minimum altitude at glido slopo interception interception (ft)		7) ILS 2 000	ADF 2,000	OVOL LOIM								
Procedure turn (—) side of final approach course (outbound and inbound); alt tudes, limiting distances		9	N side of NW	309° outbound	2 000 within 10	. samm	_						
	Mini	mum al titudes ((t)	ĸ	2 200	2,000	2, 700	2 000		1				
	034110	and dis	4	282—16	33012	040-20	060-23						
Transition to ILS	TOL		8	LOM	гом	LOM	MO						
Tr	From—		2	Dallas LFR	Grand Prairie MHW	Stadium Intersection	Fort Worth VOR						
Olty and State; airport name, elevation; feelility; class and identification; procedure No ; effective date		1	FORT WORTH, TEX	ILS-IAOF	Combination ILS &	Procedure No. 1	Amenament 4.		Revise transitions Revise missed ap				

S A. Keur, Acting Administrator of Civil Aeronautics

651)

The ground controlled approach procedures prescribed in § 609 13 are amended to read in part: 9

GOA STANDARD INSTRUMENT APPROACH PROCEDURE

Boarings hoadings, and courses are magnetic. Distances are in statuto miles unless otherwise indicated. Elevations and altitudes are in feet. MSL. Collings are in less an approach is conducted at the below named alreport, it shall be in accordance with the following instrument procedure, unless an approach is conducted at the below named alreport, it shall be made over specified the instrument approach is conducted in necordance with a made over specified to over specified to a made over specified to over specified to a made over specified to a specification must be established of the following the ground controller. From infultion (OA) to find authorized landing minimums, the instructions of the GOA controller are mandatory except when (A) relative the regulation of the GOA controller are mandatory except when (A) are placed and the approach of obeset to the authorized landing minimums, the appears desirable to approach to the authorized landing minimums or (B) at pilot's discretion if it appears desirable to approach and the the authorized landing minimums or (B) at pilot's discretion if it appears desirable to approach and the the authorized landing minimums or (B) at pilot's discretion if it appears desirable to approach and the controller of the authorized funding minimums or (B) at pilot's discretion if it appears desirable to the authorized the authorized must be approach.

VISION TO COMPANY AND REPORT OF THE PROPERTY O	ולוליומים של פני מפוסום מפשפונה כם ניום מתפחקונים וויונים	CP	and an fort	, and the state of	a a condition of	and an annual control		name de la companya d
			Colling	and visibil	Colling and visibility minimums	81		Except when the ground controller may direct otherwise prior to final approach, a missed ap-
Olty and State; alrport name, elevation; effective	Radar terminaı area; manouvering altitudes by sectors and limiting distances		o-allip	Precision approach ,	pproach R)	Survelllance approach (ASR)	approach R)	proach procedure shall be exceuted as provided below when (a) communication on final approach is lost for more than 6 seconds; (b) directed by ground controller; (c) yeard reference is not es
	,	on thanny	000000000000000000000000000000000000000	75 m. p. h or less	75 m, p, h More than 75 m, p h More than or less 75 m p h or less	76 m. p h or less	More than 75 m p h	tablished upon descent to the authorized land ing minimums; or (d) landing is not accom plished
	61	3	큣	5 \	9	7	8	0
INOXVILLE, TENN Modho-Tyson 830 Procedure No 1.	All bearings are from the redar with rector azi muths progressing clockwise and distance in noutleal miles	All 18 4L 22R 18 4L 22R	FZE	••	2 engines or less	3 or less 300-1 500-1 500 133	300-1 200 1 200 1	For Runways 18 and 22R proceed to LOM, ellmb lng to 2,300°. For runway 4L proceed to LFR or VOR ellmblar to 3,00° or when directed by ATO ellmb to 4,00° on NF (0,31) course LFR
	Within 5 nautical miles: 02-3602 2 500'		η-dn			800-2		or radial 347° vithin 25 miles.
	Millin 2-07 intuition intuition. My 2-0.09 2 for 000 - 0.01 - 177 4 000 - 0.01 - 177 4 000 - 2 12 3.54 not authorized. 2.19 3.54 not authorized. 5.20 - 1.00 for authorized. 5.20 - 1.00 for authorized.	All 41, 2211 18 41, 2211 18 41, 2211	C-dn A-dn		Moro than 2 cugines	2 engines	200-20 200-13 200-13 200-13	815
	0000 102 110							

Ø 口 (Sec 205, 62 Stat 984, as amended; 49 U S O 426 Interpret or apply sec 601 62 Stat 1007 as amended; 49 U These procedures shall become effective on the dates indicated in Column 1 of the procedures

[BEAL]

u u Doc 56-7100; Filed Sept 13 1956; 8:45

> 16—COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission [Docket 6294]

Part 13—Digest of Cease and Desist Ondens AMERICAN STAINLESS KITCHEN CO , INC

Subpart—Advertising falsely or misleadingly: § 13 20 Comparative data or
merits; § 13 25 Competitors' and their or
products: Competitors' Products; § 13 170 is
Qualities or properties of product or
services; § 13 255 Scientific or other relevant facts Subpart—Disparaging competitors and their products—Competitors' Products; § 13 1000 Performance;
§ 13 1010 Qualities or properties;
§ 13 1010 Galaities or properties;
§ 13 1076 Comparative data or merits;
§ 13 1076 Comparative data or merits;
§ 13 1076 Comparative data or merits;
§ 13 1170 Qualities or properties;
§ 13 1170 Qualities

minerals

there is any difference in the loss of ely vitamins or minerals in food cooked in versiondents' utensils as compared with or respondents' utensils as compared with or food cooked in vessels made of other on material; (6) that potatoes cooked by other or not fattening; (6) that the product of the of odors from food while it is being the cooked indicates a loss of vitamins minmerals usuable by the body or food values; in cooked indicates a loss of vitamins minmerals intentition or health; (8) that calcium, on the hold, allon, magnetic from, chlotine, silicon, sulphur, magnetic selum, fluorine, potassium, oxygen nitro-referent, decenting; (9) that most allons in method of cooking; (9) that most allons; method of cooking; (9) that when taken print into the human system as a part of the beroulosis; sodium is a protection against galistones, lowered energy, or acidity; and that phosphorus, manganese, iodine, we eat: calolum protects against tu-§ 13 1740 Scientific or other refevant that facts Subpart—Offering unifait, interpretace and acceptive inducements to repurchace or deal: § 13 2063 Scientific or for other relevant facts. In connection with a connection with a connection of stainless steel or any other product of substantially similar composition, design, construction, or purpose, representing discipling of you by implication: (1) That the reciping of food in aluminum utensils are causes the formation of poisons; (2) in that foods prepared in, cooking of coding utensils are detrimental or hazardous to the health of the train of hazardous to the health of the botten health or is necessary to health; in cooking utensils will promote or insure in botten health or is necessary to health; in (4) that there is no loss of vitamins or in spondents' utensils and by the method accommended by acspondents; or that when such method of cooking is employed in food when cooked in 1e-

chlorine silicon, sulphur, magnesium in vegetables, fluorine, nitrogen, potassium, oxygen, hydiogen, and carbon have various specific beneficial effects, as in said y order attributed to them; and that any of these elements or any other elements are of greater value to the body than they actually are; (11) that green vegetables, no matter how cooked, can supply sufficient inon to effectively treat an existing case of anemia; (12) that a deficiency of magnesium in the body can be caused by the improper preparation of vegetables; (13) that eating food cooked in respondents' utensils will help overcome decayed teeth, defective vision, diseased or tonsils, enlarged arteries, and numerous other aliments and conditions, as in said or order set out; (14) that any significant is required by diet; (15) that less food is required by satisfy the appetite when cooked by respondents' methods than when cooked by other methods, or that the amount of food needed to satisfy the appetite depends on the nutrient value of the food; and (16) that when coffee is made in respondents' coffee maker no tannic acid or caffeine is extracted; prohibited.

(Sec. 6, 38 Stat. 721; 15 U.S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Stainless Kitchen Company, Inc. (Milwaukee, Wis.) et al., Docket 6294, August

In the Matter of American Stainless Kitchen Company, Inc., a Corporation, Wesley A. Ryan, Frank W Ladky and Randall G. Taylor Individually and as Officers of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondent corporation, and respondent Wesley A. Ryan, Frank W Ladky, and Randall G. Taylor, individually and as officers of said corporation, with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce, through making false claims for their stainless steel cooking utensils, and through disparaging competitive aluminum products, and upon an agreement entered into by respondents with counsel supporting the complaint, which was signed by said counsel and by all the respondents except respondent Frank W Ladky, was approved by the Director and Assistant Director of the Commission's Bureau of Litigation, and was submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with § 3.25 of the Commission's Rules of Practice.

By said agreement, it was provided that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission, that respondents also agreed that the order to cease and desist issued in accordance with said agreement for consent order should-have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; and that the complaint in the matter might be used in construing the terms of the order provided for in said agreement, and that the signing of said agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

As respects the elimination from the order contained in the "Notice" portion of the complaint, of the name of respondent Frank W Ladky in the order agreed upon by the parties, it appeared that there was submitted to the hearing examiner an affidavit sworn to by respondent Wesley A. Ryan, president of the corporate respondent, to the effect

that said respondent Frank W Ladky had not been an officer of the corporate respondent since November 16, 1953, and that during the period when he was an officer thereof, said respondent had no connection with its sales policy, and counsel supporting the complaint, in a memorandum dated June 8, 1955, transmitting to the hearing examiner the agreement for consent order in the matter and the above-mentioned affidavit of Wesley A. Ryan, advised said hearing examiner that he had no obnection to a dismissal of the complaint as to the respondent Frank W Ladky, based on the statements appearing in said affidavit.

As regards the other respect in which the order agreed upon differed from the order contained in the "Notice" portion of the complaint, namely, in-that there was a slight modification in paragraph "6" of the order, counsel supporting the complaint further advised said hearing examiner in his said memorandum of transmittal that the change in paragraph "6" of the order by the insertion of the words "usable by the body" following the word "minerals" was made in order to conform said order to the facts.

Thereafter the aforesaid proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid agreement for consent order and accompanying affidavit of Wesley A. Ryan, said hearing examiner made his initial decision in which he set forth the aforesaid matters: and that being satisfied, on the basis of the statements made in said affidavit and in the transmittal memorandum of counsel supporting the complaint, that the aforesaid agreement for consent order provided for an appropriate disposition of the proceeding, the said agreement and accompanying affidavit were accepted and ordered filed by him; and in which he made certain jurisdictional findings, including findings as to said respondents, and findings that the Commission had jurisdiction of the subject matter of the proceeding and of the aforesaid respondents, that the complaint stated a cause of action against them under the Federal Trade Commission Act, and that the proceeding was in the interest of the public; and in which he issued his order, including order to cease and desist, and order of dismissal as to respondent Frank W Ladky.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated August 3, 1955, became, on said date, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent American Stainless Kitchen Company, Inc., a corporation, and its officers, and respondents Wesley A. Ryan and Randall G. Taylor, individually and as officers of said corporation, and respondents' agents, representatives, employees and distributors, directly or through any corporate or other device, in connection with the offering for sale, sale or distri-

bution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils made of stainless steel or any other product of substantially similar composition, design, construction or purpose, do forthwith cease and desist from representing directly or by implication:

1. That the preparation of, the cooking of, or the keeping of food in aluminum utensils causes the formation of

poisons;

2. That foods prepared in, cooked in, or kept in aluminum utensils are detrimental or hazardous to the health of the user.

3. That the use of respondents' cooking utensils will promote or insure better health or is necessary to health;

- 4. That there is no loss of vitamins or minerals in food when cooked in respondents' utensils and by the method recommended by respondents; or that when such method of cooking is employed there is any difference in the loss of vitamins or minerals in food cooked in respondents' utensils as compared with food cooked in vessels made of other material;
- 5. That potatoes cooked by the method advocated by respondents are not fattening:
- 6. That the production of odors from food while it is being cooked indicates a loss of vitamins, minerals usable by the body or food values;

7. That silicon is essential for human nutrition or health;

- 8. That calcium, sodium, phosphorus, iodine, manganese, iron, chlorine, silicon, sulphur, magnesium, fluorine, potassium, oxygen, nitrogen, hydrogen or carbon in food are partially destroyed by boiling or any other method of cooking;
- 9. That most ailments are due to the lack of some element in the diet:
- 10. That when taken into the human system as a part of the food we eat:
- (a) Calcium protects against tuberculosis;
- (b) Sodium is a protection against gallstones, lowered energy or acidity;
- (c) Phosphorus protects against impaired eyesight, nervous disorders or a dull mind:
- (d) Manganese protects against a confused mind or weak tissues:
- (e) Iodine is a protection against wrinkled skin;
- (f) Chlorine protects the gums against pyorrhea or the body against blood or liver trouble:
- (g) Silicon is essential as a preventive for decaying teeth or baldness;
- (h) Sulphur is a protection against poor digestion, blood or skin diseases;
- (i) Magnesium in vegetables is a natural laxative, or protects against stiff joints or stiff muscles;
- (j) Fluorine protects against tuberculosis, weak eyes or bladder trouble;
 (k) Nitrogen is a preventive against
- weak tissue;
- (1) Potassium wards off constipation; (m) Oxygen protects the body against lowered vitality.
- (n) Hydrogen protects against poor circulation or congestion or inflammation:

(o) Carbon protects against poor body heat or lack of energy or that

(p) Any of these elements or any other elements are of greater value to the body than they actually are;

11. That green vegetables, no matter how cooked, can supply sufficient iron to effectively treat an existing case of anemia:

12. That a deficiency of magnesium in the body can be caused by the improper

preparation of vegetables;

13. That eating food cooked in respondents' utensils will help overcome decayed teeth, defective vision, diseased tonsils, enlarged arteries, enlarged anterior cervical glands, goiter, defective hearing, heart defects, overweight, underweight, calluses, boils, catarrh, lumbago, jaundice, sour stomach, influenza, heartburn, bad hearing, carbuncles, eczema, poor eyesight, biliousness, neuralgia, rheumatism, diabetes, kidney trouble, constipation, gallstones, nervousness, rifting, bad teeth, pimples, tired feeling, backache, ındigestion, dizzıness, weakness, baldness, colds, ulcers, cancer, laryngitis, bronchitis, arthritis, neuritis, appendicitis or tonsillitis;

14. That any significant percentage of surgical operations may be prevented by

15. That less food is required to satisfy the appetite when it is cooked by respondents' methods than when cooked by other methods, or that the amount of food needed to satisfy the appetite depends on the nutrient value of the food;

16. That when coffee is made in respondents' coffee maker no tannic acid or caffeine is extracted.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to the respondent Frank W. Ladky.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents American Stainless Kitchen Company, Inc., a corporation, and Wesley A. Ryan and Randall G. Taylor, individually and as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 3, 1955. By the Commission.

[SEAL] ROBERT M. PARRISH, Secretary.

[F. R. Doc. 55-7383; Filed, Sept. 13, 1955; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the Feberal Register, paragraph (a) (11) is added to § 6.311 as set out below.

§ 6.311 Department of Agriculture-(a) Office of the Secretary.

(11) One Staff Assistant-Program Appraisal.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

> UNITED STATES CIVIL SERV-ICE COMMISSION,

[SEAL] WM. C. HULL, Executive Assistant.

[F. R. Doc. 55-7425; Filed, Sept. 13, 1935; 8:53 a. m]

TITLE 26-INTERNAL REVENUE, 1954

Chapter I-Internal Revenue Service, Department of the Treasury

Subchapter E-Alcohol, Tobacco, and Other Excise Taxes

PART 179-MACHINE GUNS AND CERTAIN OTHER FIREARMS

On June 18, 1955, a notice of proposed rule making with respect to regulations designated as Part 179 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (20 F. R. 4294) The purposes of the proposal were to adopt Part 319 of Subchapter C of Title 26 of the 1939 Code of Federal Regulations as Part 179 of Title 26 of the 1954 Code of Federal Regulations and amend such adopted regulations: (1) To correct obvious errors or omissions in regulations to be super-seded; (2) to delete internal management material which will be incorporated m the Internal Revenue Manual; (3) to amend certain definitions and add others; and (4) to effect minor changes in regulations, not previously amended by Treasury decisions, to conform to the Internal Revenue Code of 1954.

No data, views, or arguments pertaining thereto having been received within the period of 30 days from the date of publication of said notice, the regulations so published are hereby adopted as set forth below.

T. COLEMAN ANDREWS, Commissioner of Internal Revenue.

Approved: September 9, 1955.

H. CHAPMAN ROSE, Acting Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 179, "Machine Guns and Certain Other Firearms" supersede Regulations 88, 1952 edition (26 CFR Part 319, 17 F. R. 7842) and are promulgated in order to implement the Internal Revenue Codè of 1954.

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER

Subpart A-Scope of Regulations

Sec. 179.1

Percons subject to taxes. Other laws applicable. 179.2

		Subpart B-Definitions
	Ecc.	•
	173.10	Meaning of terms.
	179.11	Any other weapon.
	173.12	Accietant Regional Commissioner.
	179.13	Commictioner.
	173.14	Corporation.
	173.15	Dealer.
	173.16	Director.
	173.17	Dictrict Director.
	179.18	Exportation.
	170.19	Exporter.
	170.20	Firearm.
	179,21	Fixed ammunition.
	179.22	Importation.
	179.23	Importor.
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	179.31	Muffer or silencer.
	179.32	Partner.
	179.03	Partnerchip.
	170.04	Percon.
	173.35	
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	179.38	
	179.39	
	170.40	
•	179.41	
		To transfer or transferred.
•	170.43	United States.

Subpart C-Special (Occupational) Taxes

T. S. C.

PAYMENT OF TAX

170.50	Geographical ecope of tax.
179.51	Rates of tax.
179.52	Registry, return, and payment of tax.
170.53	Tax payment evidenced by special tax stamp.
179.54	Special tax stamp to be posted.
179.65	Certificates in lieu of stamps lost or destroyed.
170.56	Several places of business.
179,57	Dual occupations incur dual tax liability.
179.53	Partnership liability.
173.59	Single cale.

CHANGE OF OWNERSHIP

179.60 179.61		ugh death of our ough bankruptcy	
113.91	owner.	man panerabicy	UL
170.62	Change in fir		
170 63	Change in co	rnaration.	

CHANGE OF BUSINESS LOCATION

179.64 Notice by taxpayer.

	5.54.55 mg timping and
	Peralties
179.65	Fallure to pay special tax.
179.CG	Failure to register change or removal.
170.67	Delinquency.
179.63	Fraudulent return.
	APPLICATION OF STATE LAWS
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Subpart D-Tax on Making Firearms

179.75 Ecope of tax. 179.76 Rate of tax. DECLARATION OF INTERT TO MAKE A FIREARM

179.77 Written declaration. Identification of declarant. 179.78 Precedure for approval of declara-179.79 tion. Subsequent transfer of firearms. 179.80

179.81 Cancellation of stamp.

EXCEPTIONS TO TAX ON MAKING FIREARMS

Sec.	
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d manufacturers. 179.83 Altering a firearm which has pre-

viously been taxed.

179.84 Making a firearm for use of Government agencies, peace officers and Federal officers.

Subpart E-Transfer Tax

179.95 Scope of tax.

179.96

179.97 Transfer tax in addition to import duty.

APPLICATION AND ORDER FOR TRANSFER OF FIREARM

179.98 Written application and order required for transfer of firearm.

179.99 Identification of applicant. 179.100 Requirements for approval of ap-

plication and order for transfer. Subsequent transfer of firearm. 179.101 179.102 Cancellation of stamp.

CONCERNING EXEMPTIONS FROM TRANSFER TAX

179.103 Special-tax payers.

179.104 Peace officers and Federal officers.

Notice of exemption.

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179.106 Responsibility of transferor for exempt status of transferee.

Subpart F-Registration and Identification of Firearms

179.120 Application for registration of firearm.

179.121 Identification of firearms.

Subpart G-Importation and Exportation IMPORTATION

179.130 Procedure.

179.131 Importation into territory or pos-

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EXPORTATION

179.133 Application and permit for exportation of firearms.

179.134 Action by Director, Alcohol and Tobacco Tax Division.

Procedure by exporter. Action by Customs. 179.135

179.136 179.137

Proof of exportation. 179.138 Refunds.

179.139 Insular possessions.

Subpart H—Records and Returns

179.150 Records.

179.151 Returns.

Subpart I—Stolen or Lost Firearms or Documents

179.155 Stolen or lost firearms.

179.156 Stolen or lost documents.

Subpart J-Examination of Books and Records

179.160 Failure to make returns; substitute returns.

179.161 Inspection of records.

179.162 Penalties (records and returns).

Subpart K-Distribution and Sale of Stamps

179.170 Orders for stamps.

179.171 Stamps authorized.

Reuse of stamps prohibited.

Subpart L-Redemption of or Allowance for Stamps or Refunds

179.180 Procedure for redemption of or allowance for stamps. 179.181 Refunds.

Subpart M-Penalties and Forfeitures

179.190 Penalties. 179.191 Forfeitures.

Subpart N—Other Laws Applicable

179.195 Applicability of other provisions of internal revenue laws.

AUTHORITY: §§ 179.1 to 179.195 issued under 68A Stat. 917; 26 U.S. C. 7805. Interpret or apply 68A Stat. 726; 26 U.S. C. 5847. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 179.1 Persons subject to taxes. This part contains the procedural and substantive requirements relative to:

(a) The special taxes imposed by Chapter 53 of the Internal Revenue Code of 1954, on manufacturers and importers of, and dealers (including pawnbrokers) in, certain firearms, including machine guns and silencers or mufflers;

(b) The stamp tax imposed by Chapter 53 of the Internal Revenue Code of 1954, on the transfer of such firearms; and

(c) The stamp tax imposed by Chapter 53 of the Internal Revenue Code of 1954, on the making of such firearms (other than by qualified manufacturers)

§ 179.2 Other laws applicable. Other provisions of the internal revenue laws are made applicable by section 5846 of the Internal Revenue Code of 1954 to the taxes referred to in § 179.1.

SUBPART B-DEFINITIONS

§ 179.10 Meaning of terms. As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 179.11 Any other weapon. "Any other weapon" shall mean any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, but such term shall not include pistols or revolvers or weapons designed, made or intended to be fired from the shoulder and not capable of being fired with fixed ammunition.

§ 179.12 Assistant Regional Commissioner "Assistant Regional Commis-sioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the Regional Commissioner of Internal Revenue.

§ 179.13 Commissioner "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 179.14 Corporation. "Corporation" shall include associations, joint-stock companies, and insurance companies.

§ 179.15 Dealer "Dealer" shall mean any person not a manufacturer or importer, engaged within the United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

§ 179.16 Director "Director" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 179.17 District Director "District Director" shall mean the District Director of Internal Revenue.

§ 179.18 Exportation. "Exportation" shall mean the severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country.

§ 179.19 Exporter "Exporter" shall mean any person who exports firearms from the United States.

§ 179.20 Firedrm. "Firearm" shall mean a shotgun or rifle having a barrel of less than eighteen inches in length. or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

§ 179.21 Fixed ammunition. "Fixed ammunition" shall mean that self-contained unit consisting of the case, primer, propellant charge, and projectile or projectiles.

§ 179.22 Importation. "Importation" shall mean the bringing of a firearm within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade.

§ 179.23 Importer "Importer" shall mean any person who imports or brings firearms into the United States for sale.

§ 179.24 Includes and including. The terms "includes" and "including" when used in a definition shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 179.25 Insular possessions. "Insular possessions" shall mean the Panama Canal Zone, the Virgin Islands, Guam, Commonwealth of Puerto Rico. American Samoa, Wake, the Midway Islands, and Palmyra.

§ 179.26 I. R. C. "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 179.27 Interstate commerce. "Interstate commerce" shall mean transportation from any State or Territory or District, or any insular possession of the United States, to any other State or to the District of Columbia.

§ 179.28 Machine gun. "Machine gun" shall mean any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

§ 179.29 Making of a firearm. The "making of a firearm" shall mean the production or creation of a firearm by any means, whether by manufacture, putting together of parts, alteration, any combination thereof, or otherwise, and by any process of manipulation or transformation of any other weapon.

Examples: (1) The sawing off of a barrel or barrels of a shotgun to a length of less than 18 inches, or (2) the altering of a semiauto-matic pistol by the change or addition of parts so as to produce a fully automatic or machine gun type of firearm.

§ 179.30 Manufacturer "Manufacturer" shall mean any person who is engaged within the United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

§ 179.31 Muffler or silencer "Muffler" or "silencer" shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

§ 179.32 Partner "Partner" shall include a member of a partnership, syndicate, group, pool, joint venture, or unincorporated organization.

§ 179.33 Partnership. "Partnership" shall include a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not a trust or estate or a corporation.

§ 179.34 *Person.* "Person" shall be construed to mean and include a partnership, company, association, or corporation, as well as a natural person.

§ 179.35 Pistol. "Pistol" shall mean a small projectile weapon having a short one-hand stock or butt at an angle to the line of the bore and a short barrel or barrels, designed, made and intended to be aimed and fired from one hand. The term shall not include gadget devices, guns altered or converted to resemble pistols, or small portable guns erroneously referred to as pistols, such as: Nazi belt buckle pistol, glove pistol, or one-hand stock guns firing fixed shotgun or fixed rifle ammunition.

§ 179.36 Regional Commissioner "Regional Commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 179.37 Revolver "Revolver" shall mean a small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

§ 179.38 Rifle. "Rifle" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed and made to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

§ 179.39 Secretary. "Secretary" shall mean the Secretary of the Treasury.

§ 179.40 Shotgun. "Shotgun" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed and made to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

§ 179.41 Taxpayer "Taxpayer" shall mean any person subject to a tax.

§ 179.42 To transfer or transferred. "To transfer" or "transferred" shall include to sell, assign, pledge, leace, loan, give away, or otherwise dispose of.

§ 179.43 United States. "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 179.44 U. S. C. "U. S. C." shall mean the United States Code.

SUBPART C-SPECIAL (OCCUPATIONAL) TAXES

PAYMENT OF TAX

§ 179.50 Geographical scope of tax. Every person who engages in the business of importing, manufacturing, or dealing in firearms within the States of the United States, the Territories of Alaska and Hawaii, and the District of Columbia, is required to pay a special tax on such business.

§ 179.51 Rates of tax. (a) The special taxes are as follows:

Class 1. Importers or manufacturers of firearms, except manufacturers in

class 2: Manufacturers of firearms whose production is limited to guns with combination shotgun and rifle barrels, 12 inches or more but leasthan 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired and having a barrel 12 inches or more but leasthan 18 inches in length, from which only a single discharge can be made without manual reloading, or guns of both types.

Class 3: Pawnbrokers_____Class 4: Dealers, other than pawnbrokers, except those in class 5_____

Class 5: Dealers whose dealing in firearms is limited to guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired, and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading, or guns of both types

(b) The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) of any tax year must pay a proportionate part of the annual tax. Persons in business for only a portion of a month are liable to tax for the entire month. For example, a person commencing business October 21 must pay tax for nine months, or three-fourths of the yearly rate.

§ 179.52 Registry, return, and payment of tax. Every person first engaging in any business mentioned herein must, prior to commencing business, separately for each place of business, register and file return on Form 11A (Firearms) with, and pay the tax to, the District Director for the collection district in which such place is located. Thereafter, such person must register, file return, and pay

the tax on or before the 1st day of July of each year. The District Director will furnish the proper form, which must be filled out and verified under penalty of perjury. Each return must show an individual's full name. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a copartnership, association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. In the case of a corporation, the name and title of each officer and his place of residence must be shown. The exact type of business, whether manufacturer, importer, pawnbroker, or dealer other than pawnbroker, and the period for which special tax is due, must be stated.

§ 179.53 Tax payment evidenced by special tax stamp. Upon receipt of a return on Form 11A (Firearms), accompanied by remittance of the full amount due, the District Director will issue a special tax stamp as evidence of payment of the special tax.

§ 179.54 Special tax stamp to be posted. Every current special tax stamp issued to a taxpayer must, under penalty of the law, be kept posted conspicuously on the premises where the business is operated.

§ 179.55 Certificates in lieu of stamps lost or destroyed. When a special tax stamp has been lost or destroyed, such fact should be reported to the District Director at once for the purpose of obtaining from him a certificate of payment in lieu of the lost or destroyed special tax stamp. Such certificate must be posted in place of the stamp; otherwise liability will be incurred for failure to post the stamp.

§ 179.56 Several places of business. Generally a taxpayer must pay as many special taxes as he has places of business. However, a person paying special tax at his principal place of business may store goods, wares or merchandise at other places than the place of business without incurring special tax at such place of storage. A manufacturer upon a single payment of special tax may cell products of his own manufacture at the place of manufacture and at his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Removal of a business to a new location creates a new liability unless the change of location is registered with the District Director, as provided in § 179.64.

§ 179.57 Dual occupations meur dual tax liability. In any case where more than one taxable business is carried on by the same person at the same location at the same time, special tax in respect to each must be paid.

§ 179.58 Partnership liability. Any number of persons doing business in co-partnership at any one location shall be required to pay but one special tax.

§ 179.59 Single sale. A single sale, unattended by circumstances showing the one making the sale to be engaged

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in business, does not create special (occupational) tax liability.

CHANGE OF OWNERSHIP

§ 179.60 Changes through death of Whenever any person who has paid special tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person must, within 30 days after the date on which the successor begins to carry on the business, file with the District Director a new Form 11 A (Firearms) The return thus executed must show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 179.66.)

§ 179.61 Changes through bankruptcy of owner A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In such cases; the change must be registered with the District Director in a manner similar to that required by § 179.60.

§ 179.62 Change in firm. When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the old firm. The change shall, however, be registered in the same manner as required in § 179.60. Where new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must make return and pay its own special tax reckoned from the 1st day of the month in which it began business, even though the name of such firm be the same as that of the old. Where the members of a partnership which has paid special tax form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

§ 179.63 Change in corporation. Additional special tax is not required by reason of a mere change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such change or increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business incurs new special tax liability.

CHANGE OF BUSINESS LOCATION

§ 179.64 Notice by taxpayer Whenever a taxpayer removes his business to a location other than specified in his last special tax return (see § 179.52) he shall, within 30 days after the date of

removal, register the change of location with the District Director of the collection district within which the old place of business is located, by filing another return, Form 11 A (Firearms) and designated "removal registry" setting forth the time of removal. The taxpayer's special tax stamp must accompany the return for notation by the District Director of the change of location. As to change of location within 30 days, see § 179.66.

PENALTIES AND INTEREST

§ 179.65 Failure to pay special tax. Persons carrying on a business within the scope of section 5801 of the Internal Revenue Code of 1954 without payment of special tax within the time prescribed (see: § 179.52) are liable, in addition to the amount of the tax, interest, and penalties, to fine and imprisonment as provided in section 5861 of the Internal Revenue Code of 1954.

§ 179.66 Failure to register change or removal. Any person succeeding to and carrying on a business for which special tax has been paid, and any taxpayer removing his business with respect to which special tax has been paid to a place other than that for which tax was paid, without registering such change or removal within 30 days thereafter, will incur liability to an additional payment of the tax, addition to tax and interest, as provided in sections 5801, 6651, and 6601, respectively, Internal Revenue Code of 1954, for failure to make return (see § 179.67) or pay tax, as well as to fine and imprisonment for carrying on business without payment of special tax (see § 179.65)

§ 179.67 Delinquency. In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the District Director to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than one month, with an additional 5 percent for each additional month or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate (sec. 6651, I. R. C. 1954) However, no delinquency penalty is assessed where the 50 percent addition to tax is assessed for fraud (see § 179.68)

§ 179.68 Fraudulent return. If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment, but no delinquency penalty shall be assessed with respect to the same underpayment (sec. 6653, I. R. C. 1954)

APPLICATION OF STATE LAWS

§ 179.69 State regulations. Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be

punishable under a State law prohibiting or controlling the manufacture or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the business of importing, manufacturing, or dealing in firearms, in violation of the law of a State, are nevertheless required to pay special tax as imposed under the internal revenue laws of the United States.

RECORD OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION

§ 179.70 Record 10. Each District Director shall prepare and keep for public inspection, on Record 10, an alphabetical list of the names of all persons who have paid special taxes within his district. Record 10 will show the time, place, and business for which such special taxes have been paid. Upon application of any prosecuting officer of any State, county, or municipality, the Director will furnish a certified copy of Record 10, for which a fee of \$1 for each one hundred words or fraction thereof in such certified copy or copies may be charged.

SUBPART D-TAX ON MAKING FIREARMS

§ 179.75 Scope of tax. Except as otherwise provided (see §§ 179.82, 179.83, and 179.84) the making in the United States of any firearm (whether by manufacture, putting together, alteration, any combination thereof, or otherwise) is subject to tax to be represented by an adhesive stamp bearing the words "National Firearms Act." In every case the tax shall be paid by the person making the firearm and such tax shall be paid in advance of the making of the firearm (see §§ 179.77, 179.170, and 179.171.)

§ 179.76 Rate of tax. The tax on the making of firearms is at the rate of \$200 for each firearm, except that the rate of tax is \$1 upon the making of any gun with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading.

DECLARATION OF INTENT TO MAKE A FIREARM

§ 179.77 Written declaration. Except as provided in §§ 179.82, 179.83 and 179.84 every person intending to make a firearm must declare his intention in writing on Form 1A (Firearms) to make The declaration shall such firearm. show (a) the name and address of the maker, and, if the maker is other than a natural person, the name and address of the principal officer or authorized representative thereof; (b) the serial number, model, length of barrel, trade name, and other marks identifying the firearm; and (c) such additional information as may be required on Form 1A (Firearms) A "National Firearms Act" stamp of the proper denomination (see § 179.76) must be affixed to the original declaration, in the space provided therefor, and properly canceled (see § 179.81) Form 1A (Firearms) and appropriate tax stamp may be obtained from any District Director of Internal Revenue.

§ 179.78 Identification of declarant. If the declarant is an individual, he shall attach to each copy of the declaration an individual photograph of himself, taken within 90 days prior to the date of such declaration, and shall affix his fingerprints to such declaration. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The declaration must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Director, Alcohol and Tobacco Tax Division, certifying that he is satisfied that the fingerprints and photograph appearing on the declaration are those of the declarant and that the firearm is intended by such person for lawful purposes.

§ 179.79 Procedure for approval of declaration. The declaration of intent to make a firearm, Form 1A (Firearms), must be forwarded directly, in duplicate, by the maker of the firearm to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The Director, Alcohol and Tobacco Tax Division, will consider the application for approval or disapproval. If the application is approved, the Director, Alcohol and Tobacco Tax Division, will return the original thereof to the maker of the firearm and retain the duplicate. Upon receipt of the approved declaration, the maker is authorized to make the firearm described therein. The maker of the firearm shall not, under any circumstances, make the firearm until the declaration, satisfactorily executed, with the "National Firearms Act" stamp attached, has been forwarded to the Director, Alcohol and Tobacco Tax Division, and has been approved and returned by mm. If the application is disapproved, the original Form 1A (Firearms) with the "National Firearms Act" stamp attached thereto will be returned to the maker with the reasons for disapproval stated on the form.

§ 179.80 Subsequent transfer of firearms. Where a firearm which has been made in compliance with section 5821 of Internal Revenue Code of 1954, is to be transferred subsequently, the transfer provisions of the firearm laws and regulations must be complied with. Form 4 (Firearms) covering such proposed transfer must, when filed with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., be accompanied by the previously approved Form 1A (Fire-Such Form 4 (Firearms) and arms) approved Form 1A (Firearms) will be returned by the Director, Alcohol and Tobacco Tax Division, to the transferor for delivery to the transferee at the time the firearm is transferred.

§ 179.81 Cancellation of stamp. The person affixing to a Form 1A (Firearms) a "National Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month bination shotgun and rifle barrels, 12 and year, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

CEPTIONS TO TAX ON MAKING FIREARMS

§ 179.82 Registered manufacturers. The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to manufacturers who have paid special tax and registered as required by sections 5801 and 5802 of the Internal Revenue Code of 1954. However, such manufacturers must keep the records required by § 179.150 and make the returns required by § 179.151.

§ 179.83 Altering a firearm which has previously been taxed. No tax will be imposed on the making of a firearm if such making involves the alteration or conversion of a firearm with respect to which a tax, at the same rate, has been paid, prior to such making, under either section 5811 or section 5821 of the Internal Revenue Code of 1954. However, the person so altering or converting such firearm shall notify the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., in writing immediately thereafter, giving a complete description of the firearm so altered or converted and indicating the changes made.

§ 179.84 Making a firearm for use of Government agencies, peace officers and Federal officers. The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to any person making a firearm for the use of (a) the United States Government, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (b) any peace officer or any Federal officer designated in § 179.104. However, the person making such firearm shall notify the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., in writing, immediately thereafter giving a complete description of the firearm so made, identifying the agency for which the firearm was made and stating under the penalties of perjury that he has been duly commissioned to perform such act. Should it afterwards be determined that the maker was not entitled to the tax exemption, tax and penal liability will be incurred.

SUBPART E-TRANSFER TAX

§ 179.95 Scope of tax. Except as otherwise provided (see §§ 179.103 and 179.104) each transfer of a firearm in the United States is subject to tax to be represented by an adhesive stamp bearing the words "National Firearms Act" to be affixed to the Form 4 (Firearms) (see §§ 179.98, 179.170, and 179.171)

§ 179.96 Rate of tax. The transfer tax to be levied, collected, and paid with respect to all articles within the term "firearm" transferred in the United States is at the rate of \$200 for each firearm, except that the rate of tax is \$1 upon the transfer of any gun with cominches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading.

§ 179.97 Transfer tax in addition to import duty. The transfer tax imposed by section 5811 of the Internal Revenue Code of 1954 is in addition to any import duty (see § 179.132)

APPLICATION AND ORDER FOR TRANSFER OF FIREARM

Written application and § 179.93 order required for transfer of firearm. Except as otherwise provided, every person seeking to obtain a firearm must make an application in duplicate to the transferor on Form 4 (Firearms). The application shall show (a) the name and address of the applicant, and, if the applicant is other than an individual, the name and address of the principal officer or authorized representative thereof; and (b) such additional information as may be required on Form 4 (Firearms) The transferor must furnish the information called for on the form relating to the serial number, model, caliber, length of barrel, trade name, and other marks identifying the firearm. In addition, a "National Firearms Act" stamp the proper denomination (see § 179.96) must be affixed to the original only of Form 4 (Firearms), in the space provided therefor, and properly canceled (see § 179.102)

§ 179.99 Identification of applicant. If the applicant is an individual, he shall attach to each copy of the application an individual photograph of himself, taken within 90 days prior to the date of such application, and shall affix his fingerprints to such application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Director, Alcohol and Tobacco Tax Division, certifying that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that the firearm is intended by the applicant for lawful cecogruq

§ 179.100 Requirements for approval of application and order for transfer. The Form 4 (Firearms) must be forwarded, directly, in duplicate, by the transferor to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The Director, Alcohol and Tobacco Tax Division, will consider the application for approval or disapproval. If the application is approved, the Director, Alcohol and Tobacco Tax Division, will return the original thereof to the transferor, who may then deliver the firearm to the applicant, together with the original Form 4 (Firearms) with the "National Firearms Act" stamp attached thereto. If the application is disapproved, the original Form 4 (Firearms) with the "National Firearms Act" stamp attached thereto will be returned to the transferor with the reasons for disapproval stated on the form.

§ 179.101 Subsequent transfer of firearm. Where a firearm transferred on or after July 26, 1934, is to be subsequently transferred, the new Form 4 (Firearms) covering such proposed transfer must. when filed with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., be accompanied by the previously approved Form 4 (Firearms) for each prior transfer and by any declaration of intent to make a firearm, Form 1A (Firearms) previously filed with respect to the firearm transferred. Such forms will be returned by the Director, Alcohol and Tobacco Tax Division, with the latest Form 4 (Firearms) to the transferor for delivery to the applicant.

§ 179.102 Cancellation of stamp. The same method of cancellation as prescribed in § 179.81 shall be used.

CONCERNING EXEMPTIONS FROM TRANSFER

§ 179.103 Special-tax payers. The transfer tax and the requirements as to use of Form 4 (Firearms) (see § 179.98) are not applicable where importers, manufacturers, and dealers who have registered and paid special tax transfer to other manufacturers or dealers who have registered and paid special tax. However, such importers, manufacturers, and dealers must keep the records required by § 179.150, and make returns required by § 179.151. Before a tax-free transfer is made, the transferor must satisfy himself that the transferee is a registered special-tax payer. If not fully satisfied, he should communicate with the District Director of the internal revenue collection district in which the transferee is located. Where tax-free transfers to unauthorized persons are made, tax and penal liability will be incurred.

§ 179.104 Peace officers and Federal officers. Pursuant to the authority vested in section 5812 of the Internal Revenue Code of 1954, the following are hereby designated as officers entitled to receive firearms without the use of Form 4 (Firearms) Sheriffs, chiefs of police, commissioners of police, superintendents or other chief officers of State police units, including State highway patrols, directors of public safety, and bona fide subordinate officers under the command of the aforementioned excepted persons upon appropriate recommendation of the officials designated. Forms 4 (Firearms) are not required for procurement of firearms by Federal law enforcement agencies.

§ 179.105 Notice of exemption. Where a transfer is claimed to be exempt from tax under section 5812 of the Internal Revenue Code of 1954, a notice of exemption must be immediately executed by the transferor in triplicate on Form 5 (Firearms) and the original forwarded to the Director, Alcohol and To-

bacco Tax Division, Internal Revenue Service, Washington 25, D. C., the duplicate retained by the transferor, and the triplicate furnished to the transferee. The notice must show the name and address of the transferor and transferee, a description of the firearm, the date of the transfer, the basis of the exemption claimed and any other evidence which the Director, Alcohol and Tobacco Tax Division, may require.

§ 179.106 Responsibility of transferor for exempt status of transferee. Transfers under section 5812 of the Internal Revenue Code of 1954 may be made prior to forwarding Form 5 (Firearms) to the Director, Alcohol and Tobacco Tax Division. However, before a tax-free transfer is made, the transferor should satisfy himself of the exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, he should communicate with the Director, Alcohol and Tobacco Tax Division, and report all the circumstances and await said Director's advice before making the transfer. If transfers to unauthorized persons, or transfers otherwise unwarranted, are made, tax and penal liability will be incurred.

SUBPART F—REGISTRATION AND IDENTIFICA-TION OF FIREARMS

§ 179.120 Application for registration of firearm. Every person in the United States possessing a firearm (a) not already registered, or (b) acquired by transfer, importation or making without conforming with the provisions of Chapter 53 of the Internal Revenue Code of 1954, if such provisions were applicable at the time of such transfer, importation or making, must execute an application for the registration of such firearm on Form 1 (Firearms) in duplicate, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. If registration is accepted, the duplicate form, after proper endorsement, will be returned to the registrant by the Director, Alcohol and Tobacco Tax Division. The filing of Form 1A (Firearms) in respect to the making of a firearm, Form 2 (Firearms) in respect of newly manufactured firearms and Form 6 (Firearms) in respect of imported firearms shall be accepted, in lieu of Form 1 (Firearms) as registration of the firearms described in such forms. Where the transfer of a registered firearm is reported on Forms 2, 3, 4, and 5 (Firearms) it will not be necessary for the transferee to apply for registration of the firearm on Form 1 (Firearms)

§ 179.121 Identification of firearms. Each manufacturer and importer of a firearm shall identify it by stamping (impressing) or otherwise conspicuously placing or causing to be stamped (impressed) or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and model of the firearm. None of the data indicated may be omitted except with the approval of the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

SUBPART G—IMPORTATION AND EXPORTATION 1

IMPORTATION

§ 179.130 Procedure. The burden of proof is affirmatively on any person importing or bringing a firearm into the United States, Puerto Rico, or the Virgin Islands, to show to the satisfaction of the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., prior to importation (see § 179.22), that the firearm is to be lawfully used and is unique or of a type unobtainable within the United States or such territory or possession. One desiring to import or bring a firearm into the United States, Puerto Rico, or the Virgin Islands shall file application, in duplicate, on Form 6 (Firearms) with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The application shall show the intended port or place of importation and describe the firearm intended for importation accurately and ın detail, including, as far as practicable, the data indicated by § 179.121. The reasons for the proposed importation and the purposes for which the firearm is intended must be clearly shown. If uniqueness is claimed, it must be specifically indicated in what particulars the firearm is unique. If the application is based on alleged unobtainability, the differences between the desired firearm and other firearms of the same general character obtainable without importation must be clearly shown. The applicant will be notified of the approval or disapproval of the application. If it is approved, the certificate will be returned to the applicant to be filed with the collector of customs at the port of importation. Collectors of customs will not permit release of the firearm from customs custody, except for exportation, unless covered by an approved application.

§ 179.131 Importation into territory or possession. The importation of firearms into a territory or possession of the United States other than United States (as defined in § 179.43), Puerto Rico, or the Virgin Islands will be under the control of the governing authorities of such territory or possession. (See § 179.139)

§ 179.132 Tax on transfer of imported firearm. Any person importing or bringing a firearm into the United States is subject to tax upon the subsequent transfer of such firearm, which tax is additional to any duty upon the importation of the firearm: Provided, however An importer who has registered and paid special tax and has otherwise complied with the requirements of Chapter 53 of the Internal Revenue Code of 1954, and who transfers a firearm to a registered special-tax payer will not be required to pay transfer tax on such transfer.

¹Persons engaged in the business of importing or exporting firearms caliber .22 or larger are subject to the requirement of a license issued by the Secretary of State. Application for such license should be made to the Office of Munitions Control, Department of State, Washington 25, D. C., prior to importing or exporting firearms,

EXPORTATION

§ 179.133 Application and permit for exportation of firearms. Any person desiring to export a firearm without payment of the transfer tax must file an application on Form 9 (Firearms) in quadruplicate, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., for a permit providing for deferment of tax assertion. Part 1 of the application shall be executed by the exporter and shall be supported by a certified copy of a written order or contract of sale or other evidence showing that the firearm is to be shipped to a foreign destination. Where it is desired that a transfer to the exporter shall be tax free, the transferor shall likewise file an application supported by evidence that the transfer will start the firearm in course of exportation (see § 179.18) except, however, that where such transferor and exporter are registered special-tax payers the transferor will not be required to file an application on Form 9 (Firearms)

§ 179.134 Action by Director Alcohol and Tobacco Tax Division. If the application is acceptable the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., will execute the permit, Part 2 of Form 9 (Firearms) to export the firearm described on the form and return three copies thereof to the applicant. Issuance of the permit by the Director, Alcohol and Tobacco Tax Division, will suspend assertion of tax liability for a period of six months. If the application is disapproved the Director, Alcohol and Tobacco Tax Division, will indicate thereon the reason for such action and return the forms to the applicant.

§ 179.135 Procedure by exporter Shipment may not be made until the permit, Form 9 (Firearms) is received from the Director, Alcohol and Tobacco Tax Division. If exportation is to be made by means other than by parcel post two copies of the form must be addressed to the collector of customs at the port of exportation and must precede or accompany the shipment in order to permit appropriate inspection prior to lading. If exportation is to be made by parcel post one copy of the form must be presented to the postmaster at the office receiving the parcel who will execute Part 4 of such form and return the form to the exporter for transmittal to the Director, Alcohol and Tobacco Tax Division. In the event exportation is not effected all copies of the form must be immediately returned to the Director for cancellation.

§ 179.136 Action by customs. Upon receipt of a permit, Form 9 (Firearms), in duplicate, authorizing the exportation of firearms the collector of customs may order such inspection as deemed necessary prior to lading of the merchandise. If satisfied that the shipment is proper and the information contained in the permit to export is in agreement with the information shown in the shipper's export declaration, the collector of customs will, after the merchandise has been duly exported, execute the certifi-

cate of exportation (Part 3 of Form 9 (Firearms)) One copy of the form will be retained with the shipper's export declaration and the remaining copy thereof will be transmitted to the Director, Alcohol and Tobacco Tax Division.

§ 179.137 Proof of exportation. Within a six months' period from date of issuance of the permit to export firearms the exporter shall furnish to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., (a) a certificate of landing signed by a Customs officer of the foreign country to which the article is exported, or (b) a sworn statement of the foreign consignee covering the receipt of the article, or (c) the return receipt, or a photostat thereof, signed by the addressee or his agent where the shipment was made by insured or registered parcel post. Issuance of a permit to export and furnishing of the required evidence will relieve from liability the actual exporter and one selling to the exporter for exportation. Where satisfactory evidence of exportation is not furnished within the stated period the tax will be assessed: Provided. That if the amount of tax liability involved is \$10 or less the Director may accept a customs certificate of exportation or certificate of mailing by parcel post as proper proof of exportation.

§ 179.138 Refunds. Where, after payment of tax by the manufacturer, a firearm is exported, and satisfactory proof of exportation (see § 179.137) is furnished, a claim for refund may be submitted on Form 843 (see § 179.181). If the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.

§ 179.139 Insular possessions. Transfers of firearms to persons in the insular possessions (other than Hawaii) of the United States are exempt from transfer tax, provided title in cases involving change of title (and custody or control, in cases not involving change of title) does not pass to the transferee or his agent in the United States. However, such exempt transactions must be covered by approved permits and supporting documents corresponding to those required in the case of firearms exported to foreign countries (see §§ 179.133 and 179.134), except that the Director, Alcohol and Tobacco Tax Division, may vary the requirements herein set forth in accordance with the requirements of the governing authority of the insular possession. Shipments to the insular possessions will not be authorized without compliance with the requirements of the governing authorities thereof. In the case of a nontaxable transfer to a person in such insular possession, the exemption extends only to such transfer and not to prior transfers.

SUBPART H-RECORDS AND RETURNS

§ 179.150 Records. Every manufacturer, importer, and dealer (including

pawnbroker) shall make and keep at his place of business a record showing (a) the manufacture, receipt, transfer, or other disposition of all firearms tailable under the Code, (b) the date of such manufacture, receipt, transfer, or disposition, (c) the number, model, and trade name or other mark identifying each firearm, and (d) the name and address of the person to whom any firearm is transferred. This record must be preserved for a period of at least four years from the date of disposition of the firearm, and be at all times readily accessible for inspection.

§ 179.151 Returns Immediately upon the manufacture, receipt, transfer, or other disposition of any firearm every manufacturer, importer, dealer (including pawnbroker) shall execute an accurate return on either Form 2 (Firearms) or Form 3 (Firearms) in duplicate, setting forth the information called for in § 179.150. All transactions occurring during a single day may be included in one return filed at the close of that business day. The original will be forwarded to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., and the duplicate will be retained by the person making the return for a period of at least four years and be at all times readily accessible for inspection. Upon anplication, return forms will be supplied by district directors.

SUBPART I—STOLEN OR LOST FIREARMS OR DOCUMENTS

§ 179.155 Stolen or lost firearms. Whenever any firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., showing the following: (a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.

§ 179.156 Stolen or lost documents. When any Forms 1, 1A, 2, 3, 4, 5, or 6 (Firearms) evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession will immediately upon discovery of the theft, loss, or destruction report the matter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The report will show in detail the circumstances of the theft, loss, or destruction and will include all known facts which may serve to identify the document. Upon receipt of the report, the Director, Alcohol and Tobacco Tax Division, will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.

SUBPART J-EXAMINATION OF BOOKS AND RECORDS

§ 179.160 Failure to make returns: substitute returns. If any person re-

quired by this part to make returns shall fail or refuse to make any such return within the time prescribed by this part or designated by the Director, Alcohol and Tobacco Tax Division, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(53 Stat. 437; sec. 6020 I. R. C. 1954)

§ 179.161 Inspection of records. Any officer designated by the Director, Alcohol and Tobacco Tax Division, shall have authority to examine the books, papers, and records kept pursuant to the regulations in this part, and may require the production of any books, records, papers, or statements of account necessary to determine any liability to the tax or the observance of the provisions of this part. (53 Stat. 438, 439; secs. 7602 and 7605, I. R. C. 1954)

§ 179.162 Penalties (records and returns) Any person failing to keep records or make returns is liable to fine and imprisonment as provided in section 5861 of the Internal Revenue Code of 1954. Any person assisting in the preparation of fraudulent returns is liable to fine and imprisonment as provided in section 7206 of the Internal Revenue Code of 1954.

SUBPART K—DISTRIBUTION AND SALE OF STAMPS

§ 179.170 Orders for stamps. Each order for stamps to be used under this part shall be made in writing to the District Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of "National Firearms Act" stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser.

§ 179.171 Stamps authorized. Adhesive stamps of the \$1 and \$200 denomination, bearing the words "National Firearms Act," have been prepared and distributed to District Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 179.172 Reuse of stamps prohibited. A stamp once affixed to one instrument cannot lawfully be removed and affixed to another. Any person wilfully reusing such a stamp shall be subject to the penalty prescribed by section 7208 of the Internal Revenue Code of 1954.

SUBPART L—REDEMPTION OF OR ALLOWANCE FOR STAMPS OR REFUNDS

§ 179.180 Procedure for redemption of or allowance for stamps. Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof or by refunding the amount or value thereof. In the event a Form

1A (Firearms) or a Form 4 (Firearms) is executed and the appropriate stamp affixed thereto, and thereafter the intent to make a firearm or the proposed transfer is abandoned and the firearm is not made or transferred, the taxpayer may redeem such stamp (section 6805 of the Internal Revenue Code of 1954) Claim for redemption of the stamp should be filed on Form 843 with the appropriate District Director of Internal Revenue. Such claim must be accompanied by the Form 1A (Firearms) of the Form 4 (Firearms) to which the stamp is affixed, or by a satisfactory explanation of the reason why the stamp cannot be returned, and must be filed within three years after the purchase of the stamp (sec. 6805, I. R. C., 1954)

§ 179.181 Refunds. As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in exceptional cases, such taxes may be paid pursuant to assessment. Claims for refund of amounts so paid must be presented to the District Director on Form 843 within three years next after payment of the taxes (sec. 6511, I. R. C., 1954)

SUBPART M-PENALTIES AND FORFEITURES

§ 179.190 Penalties. Any person who violates or fails to comply with the requirements of Chapter 53, Internal Revenue Code of 1954, shall, upon conviction, be subject to the penalties imposed under section 5861, Internal Revenue Code of 1954.

§ 179.191 Forfeitures. Any firearms involved in any violation of the provisions of Chapter 53, Internal Revenue Code of 1954, or of the regulations in this part, shall be subject to seizure and forfeiture under the internal revenue laws: Provided, however That the disposition of forfeited firearms shall be in conformance with the requirements of section 5862 of the Internal Revenue Code of 1954. In addition, any vessel, vehicle or aircraft used to transport, carry, convey, or conceal or possess any firearm with respect to which there has been committed any violation of any provision of-Chapter 53, Internal Revenue Code of 1954, or the regulations in this part issued pursuant thereto, shall be subject to seizure and forfeiture under the Customs laws, as provided by the act of August 9, 1939 (U.S. C. Title 49. secs. 781-788)

SUBPART N-OTHER LAWS APPLICABLE

§ 179.195 Applicability of other provisions of internal revenue laws. All of the provisions of the internal revenue laws not inconsistent with the provisions of Chapter 53 of the Internal Revenue Code of 1954 shall be applicable with respect to the taxes imposed by sections 5801, 5811 and 5821 of said Code (see section 5846, I. R. C., 1954).

[F. R. Doc. 55-7407; Filed, Sept. 13, 1955; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

REVISION OF SERVICE FEES AND CHARGES
RELATING TO LANDS AND RESOURCES
UNDER JURISDICTION OF BUREAU OF LAND
MANAGEMENT

Pursuant to a notice published March 24, 1955 (20 F R. 1790), the following schedule of fees is adopted for applications and services filed with or furnished by the Bureau of Land Management of this Department.

Appropriate changes will be made in specific existing regulations in Title 43, Code of Federal Regulations, where required.

The revised fees and charges will be effective 20 days from the date hereof, and are not returnable unless so indicated.

SECTION 1. Application service fees for public lands in Alaska.

	44. 44. 4	
	lications for—	Fcv
1.1	Fur farm leases (Part 62)	\$10
1.2		
	quarters (Part 64)	10
1.3		20
1.0		44
	served shorespaces (Part 68)	10
1.4	Rights-of-way for reservoirs and	
	canals, and for roadway, power,	
	telephone, and telegraph pur-	
	poses (Part 74)	10
1.5	Rights-of-way for railroads, wagon	
1.0		40
	roads, and traniways (Part 75)	10
1.6		
	the Matanuka Valley (Part 75)	10
1.7	Sales of lands at public auction for	
	industrial or commercial pur-	
	poses, including housing (Part	
	poses, morating notating (rate	140
	75)	, 10
1.8		
	(Part 70)	10
1.9		
	turing sites (Part 81)	10
	ouring brook (z az o or) - z z z z z z z z z	

*Fee to be returned to the applicant where the application is allowed and the sale is held but the applicant is not the successful bidder. The \$10 fee will be collected from the successful bidder.

SEC. 2. Application service fees for public and acquired lands in Continental United States and Revested Oregon and California Railroad and Reconveyed Coos, Bay Wagon Road Grant Lands in Oregon.

Applications for— 2.1 Homesteads:	Fee
2.1a Extension of time to establish	
residence (Part 166)	фБ
2.1b Reduction in residence require-	
ment because of climatic conditions	
(Part 166)	5
2.1c Leave of absence for one year or	
less because of failure of crops, sick-	
ness, or other unavoidable casualty	
	-
(Part 166)	5
2.1d Reduction in requirement as to	
cultivation (Part 166)	5
2.1e Assignment of homestead entries	
under Reclamation law (Part 230)	5
2.1f Leave of absence within Federal	_
irrigation projects under act of June	
25, 1910 (36 Stat. 864; 43 U. S. C. 444)	
(Part 230)	Ц

Applications for—	
2.2 Desert lands: 2.2a Desert-land entries (Part 232):	Fee
2.2b Recognition of assignment of	4-0
desert-land entry (Part 232)	10
2.2c Extension of time for final proof (Part 232)	10
2.2d Approval of State irrigation dis-	
tricts pursuant to the act of August	
11, 1916 (39 Stat. 506; 43 U. S. C. 621– 630) and of irrigation associations or	
companies as an adequate source of	
irrigation water in connection with	10
desert-land entries (Part 231) 2.3 Permits for the development and	10
utilization of subterranean waters	
in Nevada irrigation purposes:	
2.3a Extension of time for the be- ginning, recommencement, or com-	
pletion of the work of water develop-	
ment and submission of final proof	
(Part 234)	10
2.4 Rights-of-way: 2.4a Railroads and station grounds	
where right-of-way is located within	
a national forest (Part 243)	10
2.4b Other than for railroad purposes	
and other than for logging road pur- poses on revested Oregon and Cali-	
fornia Railroad and reconveyed Coos	
Bay Wagon Road grant lands in	
Oregon; where applicant is an in- dividual, corporation, or association	
(Part 244)	10
2.4c Filing of transfers, by assignment,	
lease, operating agreement, or other- wise, of rights-of-way other than for	
railroad purposes, and other than	
for logging road purposes on revested	
Oregon and California Railroad and reconveyed Coos Bay Wagon Road	
grant lands in Oregon (Part 244)	10
2.5 Special land-use permits:	
2.5a Permits for advertising displays	
on public domain lands or the re- newal thereof (Part 258)	10
newal thereof (Part 258) 2.5b Other permits on public domain	
lands, or the renewal thereof, where	
the applicant is an individual, corporation, or association (Part 258)	10
2.5c Permits on revested Oregon and	
California Railroad and reconveyed	
Coos Bay Wagon Road grant lands in Oregon (Part 115)	10
2.5d Filing of assignments (Part 258) -	10
2.6 Mineral leases and permits:	
2.6a Extension of noncompetitive oil and gas leases (Part 192)	10
2.6c Filing of any instrument of	
transfer of leases or any interest therein for sulphur, silica sands (in	
Nevada), sand and and gravel (in	
Nevada), and minerals on acquired	
lands other than minerals subject to leasing under the Mineral Leasing	
Act (Part 199)	10
2.6d Extension of leases and permits for silica sands (in Nevada), sand	
for silica sands (in Nevada), sand and gravel (in Nevada), and miner-	
als on acquired lands other than	
minerals subject to leasing under	
the Mineral Leasing Act (Part 199) _ 2.6e Prospecting and mining permits	10
and leases for mineral deposits other	
than oil, gas, oil shale, coal, phos-	
phate, potassium, sodium, and sul- phur in acquired lands, except In-	
dian lands, under the jurisdiction of	
the Secretary of the Interior, and in	
acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150; 16	
U. S. C. 520); Title II of the act of	
June 16, 1933 (48 Stat. 195, 200, 202,	
205; 40 U. S. C. 401, 403 (a), and 408); the act of April 18, 1935 (48	
Stat. 115, 118); section 55 of Title I	
of the act of August 24, 1935 (49	
Stat. 750, 781); the act of July 22,	
² In addition to the payment of 25 ce per acre, which is made at the time of fil	

per acre, which is made at the time of filing applications as required by law.

FEDERAL REGISTER	
Applications for— 2.6 Lineral leases and permits—Con. 1937 (50 Stat. 522, 525, 530, as amended July 28, 1942 (56 Stat. 725;	
7 U. S. C. 1011 (c) and 1018) (Part 200)	810
2.7a Grazing leases, including applica- tions arising out of the acsignment of leased lands, where the applica- tion in whole or in part embraces lands that were not under lease to the applicant therefor on the date of filing such application (Parts 116,	
2.8 Other applications: 2.8a Amendment of entries or patents	10
(Part 104)	10
tries (Part 105) 2.8c Equitable adjudication of entries under the act of September 20, 1922 (42 Stat. 857; 43 U. S. C. 1161–1163)	10
(Part 107) 2.8d Location of scrip, warrants, and	² 10
2.8e Purchase of erroneously me-	10
andered lands in Arkaneas and Louisiana (Part 141) 2.8f Airport and aviation field leases	10
for use by individuals and accordations (Part 251) SEC. 3 Service charges.	10
M1	arge
3.1 Homesteads: 3.1a Recordation of final proof (Part 166)	
3.1b Recordation of notice of begin- ning and terminating leave of absence of entryman, not exceeding	ξΞ
3.1b Recordation of notice of hegin- ning and terminating leave of absence of entryman, not exceeding five months each year (Part 169)	£3 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands:	
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 169) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232)	S
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232) 3.2b Recordation of annual proof (Part 232) 3.2c Recordation of notice of interest	5 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2a Recordation of final proof (Part 232) 3.2b Recordation of annual proof (Part 232) 3.2c Recordation of notice of interest by mortgagee of desert lands embraced within a Reclamation project (Part 230) 3.2d Recordation of notice of claim by add Recordation of notice of claim by	5 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232) 3.2b Recordation of annual proof (Part 232) 3.2c Recordation of notice of interest by mortgagee of desert lands embraced within a Reclamation project (Part 230) 3.2d Recordation of notice of claim by transferee, after final proof, mortgagee, or other encumbrancer (Part 232)	5 5 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232) 3.2b Recordation of annual proof (Part 232) 3.2c Recordation of notice of interest by mortgagee of decert lands embraced within a Reclamation project (Part 230) 3.2d Recordation of notice of claim by transferee, after final proof, mortgagee, or other encumbrancer (Part 232) 3.3 Rights-of-way: 3.3a Recordation of evidence of construction under right-of-way for railroads or station grounds (Part 243)	5 5 5 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232) 3.2b Recordation of final proof (Part 232) 3.2c Recordation of notice of interest by mortgagee of desert lands embraced within a Reclamation project (Part 230) 3.2d Recordation of notice of claim by transferce, after final proof, mortgagee, or other encumbrancer (Part 232) 3.3 Recordation of evidence of construction under right-of-way for railroads or station grounds (Part 243) 3.3b Recordation of proof of construction under right-of-way other than for railroad and other than for logging road purposes on the revested Oregon and California Railroad and reconveyed Coss Bay	5 5 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 165) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232) 3.2b Recordation of final proof (Part 232) 3.2c Recordation of notice of interest by mortgagee of desert lands embraced within a Reclamation project (Part 230) 3.2d Recordation of notice of claim by transferee, after final proof, mortgagee, or other encumbrancer (Part 232) 3.3 Rights-of-way: 3.3a Recordation of evidence of construction under right-of-way for railroads or station grounds (Part 243) 3.3b Recordation of proof of construction under right-of-way other than for railroad and other than for logging road purposes on the revested Oregon and California Railroad and reconveyed Coss Bay Wagon Road grant lands in Oregon (Part 244)	5 5 5 5
3.1b Recordation of notice of heginning and terminating leave of absence of entryman, not exceeding five months each year (Part 163) 3.1c Recordation of notice of interest by mortgagee in homestead within a Reclamation project (Part 230) 3.2 Desert lands: 3.2a Recordation of final proof (Part 232) 3.2b Recordation of annual proof (Part 232) 3.2c Recordation of notice of interest by mortgagee of decert lands embraced within a Reclamation project (Part 230) 3.2d Recordation of notice of claim by transferee, after final proof, mortgagee, or other encumbrancer (Part 232) 3.3 Rights-of-way: 3.3a Recordation of evidence of construction under right-of-way for railroads or station grounds (Part 243) 3.3b Recordation of proof of construction under right-of-way other than for railroad and other than for logging road purpoces on the revested Oregon and California Railroad and reconveyed Coss Bay Wagon Road grant lands in Oregon (Part 244)	5 5 5 5 410

filed in connection with townsites platted by or for occupants under R. S. 2382-2366; 43 U. S. C. 713-717 (Part 255)_

3.4b Filing of notice of intention to make proof of preemption claim in a townsite platted by or for occupants under R. S. 2382-2386; 43 U. S. C. 713-717 (Part 255) ...

In addition to all other fees or charges due or payable under the entry.

⁴The \$10 service charge is also to entitle the transferee, mortgagee, or other ensum-brancer to receive notice of any action taken by the Bureau of Land Management with reference to the entry.

Scrtice	
3.5 Other cervices: Char	gz
3.53 Amendment of entries and	
patents (Part 104)	10
3.5b Reinctatement of canceled en-	
tries (Part 105) c	10
tries (Part 105) c 3.5c Recordation of notices of loca-	
tion of scrip, warrants, and cer-	
tificates (Part 130)	5
3.5d Search of records and furnishing	
information to non-Federal lending	
agencies concerning land status.	
terms and conditions of grazing	
leases, licenses or permits, or other	
related information in connection	
with proposed or outstanding pledges	
of such licences, permits, or leases	
	10
3.53 Publication (advertising) of	
notice of the offer of lands for oil	
and gas, coal, potassium, sodium, or	
phosphate leases by competitive	
bidding; and of notice of the pub-	
lic cale of materials, including, but	
not limited to, sand, stone, gravel,	
yucca, manzanita, mesquite, cactus,	
common clay, and timber or other	
forest products on public domain	
lands: (1) where the cost of such	
publication, under the regulations,	
was advanced by the Government;	
or (2) where the cost of such publi-	
cation, under the regulations, was advanced by the applicant and	
Edvances by the applicant and	
where the purchaser at the sale is	
other than the applicant (Parts	73
192, 193, 194, 195, 188, 259) (٠,
In addition to the proposed application	
ervice fee: Provided, that such servi	

cervice fee; Provided, that such service charge may be waived by the authorized officer if in his discretion it is determined that the error requiring the amendment was due

to the fault of the Government.

In addition to the proposed application cervice fee; Provided, that such service charge may be waived by the authorized officer if in his discretion it is determined that the cancellation of the entry was due to error on the part of the Government.

Cost of publication to be borne by the successful bidder(s).

DOUGLAS MCKAY, Secretary of the Interior.

SEPTEMBER 7, 1955.

[F. R. Doc. 55-7363; Filed, Sept. 13, 1955; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 6-LIVERTIONS AND PATERTS (GENERAL)

PART 7-ELIPLOYEE INVENTIONS

PART 8-INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND OTHER RESEARCH ARRANGEMENTS

The following parts are new. They represent a revision of Department rules and policies relating to inventions which are made by Dapartment employees having a relation to their official duties or with some contribution from the Government or which arise from research or related activities assisted by grants or otherwise under programs administered by the Department.

PART 6—Inventions and Patents (GENERAL)

6.0 Definitions.

General policy.

- 6.2 Publication or patenting of inventions. 6.3
 - Government-owned patents; licensing; dedication to the public. Central records; confidentiality.
- Procedures relating to employee and
- grantee inventions.
- 6.6 Issuance of patents on non-fee basis; certification of public interest.

AUTHORITY: §§ 6.0 to 6.6 issued under Reorg, Plan No. 1 of 1953, 18 F. R. 2053; 3 CFR 1953 Supp. E. O. 10096, 15 F. R. 391; 3 CFR, 1950 Supp.

- § 6.0 Definitions. As used in Parts 6, 7, and 8 of this subtitle:
- (a) "Department" means the Department of Health, Education, and Welfare.
- (b) "Secretary" means the Secretary of Health, Education, and Welfare.
- (c) "Head of constituent organization" includes the Surgeon General of the Public Health Service, the Commissioner of Education, Commissioner of Social Security, Commissioner of Food and Drugs, the Director of Vocational Rehabilitation, and the Superintendent of Saint Elizabeths Hospital.
- § 6.1 General policy. Inventions developed through the resources and activities of the Department are a potential resource of great value to the public health and welfare. It is the policy of the Department:
- (a) To safeguard the public interest in inventions developed by Department employees, contractors and grantees with the aid of public funds and facilities:
- (b) To encourage and recognize individual and cooperative achievement in research and investigations; and
- (c) To establish a procedure, consistent with pertinent statutes, Executive orders and general Government regulations, for the determination of rights and obligations relating to the patenting of inventions.
- § 6.2 Publication or patenting of inventions. It is the general policy of the Department that the results of Department research should be made widely, promptly and freely available to other research workers and to the public. This availability can generally be adequately preserved by the dedication of a Government-owned invention to the public through publication. Determinations to file a domestic patent application on inventions in which the Department has an interest will be made only if the circumstances indicate that this is desirable in the public interest, and if it is practicable to do so. Department determinations not to apply for a domestic patent on employee inventions are subject to review and approval by the Chairman of the Government Patents Board. Except where deemed necessary for protecting the patent claim, the fact that a patent application has been or may be filed will not require any departure from normal policy regarding the dissemination of the results of Department research.
- Government-owned patents; licensing; dedication to the public. All licenses under patents and pending patent applications for the administration of which the Department is responsible shall be issued by the Secretary.

Licenses will be royalty-free, revocable and nonexclusive. Except in unusual cases when determined upon recom-mendation of the head of the constituent organization that unconditional licensing would be contrary to the public interest, licenses will be issued to all applicants and will contain no limitations or standards relating to the quality of the products to be manufactured, sold, or distributed thereunder. To reduce the need for individual license applications, patents held for unconditional licensing shall be dedicated to the public as may be feasible.

- § 6.4 Central records; confidentiality. Central files and records shall be maintained of all inventions, patents, and licenses in which the Department has an interest, together with a record of all licenses issued by the Department under such patents. Invention reports required from employees or others for the purpose of obtaining determinations of ownership, and documents and information obtained for the purpose of prosecuting patent applications shall be confidential and shall be disclosed only as required for official purposes or with the consent of the inventor.
- § 6.5 Procedures relating to employee and grantee inventions. The Department Patents Officer, with the approval of the Department Patents Board, and the heads of constituent organizations within their respective areas of responsibility, are authorized to issue such procedures and bulletins and take such other actions as may be necessary or desirable to supplement the provisions of Parts 7 and 8 of this subtitle.
- § 6.6 Issuance of patents on non-fee basis; certification of public interest. For the purpose of an application for a patent to issue under the non-fee provisions of the Patent Code (35 U.S. C. 266) a certification that an invention is used, or is likely to be used, in the public interest may be executed in behalf of the Secretary by the head of the constituent organization having administrative jurisdiction over the inventor.

PART 7-EMPLOYEE INVENTIONS

Who are employees.

Sec.

7.1 Duty of employee to report inventions.

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Determination as to patentability.

Determination as to domestic rights. 7.3

Option to acquire foreign rights.

Determination as to patenting.

7.6 Department review and determination.

Notice to employee of determination. Employee's right of appeal.

AUTHORITY: §§ 7.0 to 7.8 issued under Reorg. Plan No. 1 of 1953, 18 F. R. 2053; 3 CFR, 1953 Supp. E. O. 10096, 15 F. R. 391; 3 CFR, 1950 Supp.

§ 7.0 Who are employees. As used in this part, the term "Government employee" means any officer or employee. civilian or military, except such parttime employees or part-time consultants as may be excluded therefrom by a determination made in writing by the head of the employee's office or constituent organization, pursuant to an exemption approved by the Chairman of the Government Patents Board, that to include

him or them would be impracticable or inequitable, giving the reasons therefor. A person shall not be considered to be a part-time employee or part-time consultant for this purpose unless the terms of his employment contemplate that he shall work for less than the minimum number of hours per day, or less than a minimum number of days per week, or less than the minimum number of weeks per year, regularly required of full-time employees of his class.

§ 7.1 Duty of employee to report inventions. Any Department employee is required to report promptly to the constituent organization in which he is employed any invention made by him (whether or not jointly with others) which bears any relation to his official duties or which was made in whole or in any part during working hours, or with any contribution of Government facilities, equipment, material, funds or information, or of time or services of other Government employees on official duty. Reports of inventions (except for cases as to which it is decided by the appropriate office or constituent organization, with the concurrence of the Department Patents Officer, that it does not appear they are or may be patentable) shall be forwarded through appropriate channels to the head of the office or constituent organization having administrative jurisdiction over the inventor at the time the invention was made. Thereafter they shall be forwarded with the related administrative recommendations and determinations to the Department Patents Officer.

- § 7.2 Determination as to patentability. Upon receiving a report of an employee invention, the head of the appropriate office or constituent organization shall make in writing the decision on behalf of the Department as to whether the results of the research, development, or other activity constitute an invention or inventions which may be patentable.
- § 7.3 Determination as to domestic rights. The determination of the ownership of the domestic right, title, and interest in and to an invention which is or may be patentable, made by a Government employee while under the administrative jurisdiction of the Department. shall be made in writing by the head of the appropriate office or constituent organization, in accordance with the provisions of Executive Order 10096 and Government-wide regulations issued thereunder by the Chairman of the Government Patents Board, as follows:
- (a) The Government as represented by the Secretary shall obtain the entire domestic right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.
- (b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth

in paragraph (a) of this section, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under paragraph (a) of this section. the Department, subject to the approval of the Chairman, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraps (a) and (b) of this section, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (1) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (2) to conduct or perform research, development work, or both, (3) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (4) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, falls within the provisions of paragraph (a) of this section, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b) of this section. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) of this section.

(d) In any case wherein the Government neither (1) obtains the entire domestic right, title and interest in and to an invention pursuant to the provisions of paragraph (a) of this section, nor (2) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of paragraph (b) of this section, the Government shall leave the entire right, title and interest in and to the invention in the Government employee. subject to law.

§ 7.4 Option to acquire foreign rights. In any case where it is determined that all domestic rights should be assigned to the Government, it shall further be determined, pursuant to Executive Order 9865 and Government-wide regulations issued thereunder, that the Government shall reserve an option to require the assignment of such rights in all or in any specified foreign countries. In case where the inventor is not required to assign the patent rights in any foreign country or countries to the Government, or the Government fails to exercise its

option within such period of time as may be provided by regulations issued by the Chairman of the Government Patents Board, any application for a patent which may be filed in such country or countries by the inventor or his assignee shall nevertheless be subject to a nonexclusive, irrevocable, royalty-free license to the Government for all governmental purposes, including the power to issue sublicenses for use in behalf of the Government and/or in furtherance of the foreign policies of the Government.

§ 7.5 Determination as to patenting. When the head of the appropriate office, or constituent organization determines in accordance with the provisions of §§ 7.3 and 7.4, that the Government has rights in a patentable invention:

(a) He shall also determine whether the Department should seek to obtain a domestic patent thereon, or whether it shall be published or other action taken in the public interest, giving his reasons therefor and

(b) He shall further recommend in writing whether the invention should receive foreign patent protection or ba published abroad and, if affirmative, should specify the foreign jurisdictions in which action is recommended, giving reasons therefor, and should indicate, if possible, its immediate or future industrial, commercial, or other value, including particularly its value to public health.

§ 7.6 Department review and determination. The determination by the head of an office or constituent organization of the ownership of domestic or foreign rights in an invention by a Department employee shall constitute the decision of the Department unless, upon review, the Department Patents Officer questions the consistency of the determination with applicable law or regulations or with Department policy. Any question, unresolved after consultation with the originating unit, will be submitted by the Department Patents Officer to the Department Patents Board which shall either affirm or reverse the determination or return the same to the head of the constituent organization or office for further action. If the Board proposes to determine, or to approve a determination, that the invention shall be required to be assigned to the Government, it may in its discretion afford the employee an opportunity of a hearing.

§ 7.7 Notice to employee of determination. The appropriate office or constituent organization shall notify each employee-inventor in writing, of the Department's determination and of his right of appeal, if any. In the case of determinations made by the Department Patents Board, the notification shall be made by the Department Patents Officer. Notice need not be given if the employee stated in writing that he would agree to the determination of ownership which was in fact made.

§ 7.8 Employee's right of appeal. An employee who is aggrieved by a determination of the Department may appeal to the Chairman of the Government Patents Board, pursuant to section 4 (d)

of Executive Order 10036 and regulations issued thereunder, by filing a written appeal with the Chairman, in quadruplicate, and a copy of the appeal with the Department Patents Officer, within 30 days (or such longer period as the Chairman may, for good cause, fix in any case) after receiving written notice of such determination.

PART C-Inventions Resulting From RESEARCH GRANTS. FELLOWSHIP AWARDS, AND OTHER RESEARCH AR-RANGEMENTS

8.0 Policy. 8.1 Conditions to be included in research grants.

Determination as to domestic rights.

Licenses to the Government. Option to acquire foreign rights.

Arrangements other than grants; fellowships.

Authorate: \$\$ 8.0 to 8.5 issued under Reorg, Plan No. 1 of 1953 (18 F. R. 2053; 3 CFR, 1953 Supp., E. O. 9885; 12 F. R. 3307; 3 CFR, 1947 Supp., E. O. 10036, 15 F. R. 391; 3 CFR, 1950 Supp.

§ 8.0 Policy. (a) The Department of Health, Education, and Welfare each year is expanding large sums in the form of grants for research. These grants are made primarily by the Public Health Service in carrying out its broad responsibility under the Public Health Service Act to promote and coordinate research in the field of health and to make available information concerning such research and its practical application. The scientific and technological advances attributable, in varying degrees to this expenditure of public funds frequently include patentable inventions.

(b) The Department, as a matter of policy, takes the position that the results of research supported by grants of public moneys should be utilized in the manner which would best serve the public interest. It is believed that the public interest will in general be best served if inventive advances resulting therefrom are made freely available to the Government, to science, to industry, and to the general public.

(c) On the other hand, in some cases it may be advisable to permit a utilization of the patent process in order to foster an adequate commercial development to make a new invention widely available. Moreover, it is recognized that inventions frequently arise in the course of research activities which also receive substantial support from other sources, as well as from the Federal grant. It would not be consistent with the cooperative nature of such activities to attribute a particular invention primarily to support received from any one source. In all these cases the Department has a responsibility to see that the public use of the fruits of the research will not be unduly restricted or denied.

(d) The following conditions have been adopted to govern the treatment of inventions made in these various types of situations. They are designed to afford suitable protection to the public interest while giving appropriate recognition to the legitimate interests of others who have contributed to the invention. § 8.1 Conditions to be included in research grants. Subject to legislative directives or Executive orders providing otherwise, all grants in aid of research shall provide as a condition that any invention arising out of the activities assisted by the grant shall be promptly and fully reported, and shall provide, as the head of the constituent unit may determine, either

(a) That the ownership and manner of disposition of all rights in and to such invention shall be subject to determination by the head of the constituent unit

responsible for the grant, or

- (b) That the ownership and disposition of all domestic rights shall be left for determination by the grantee institution in accordance with the grantee's established policies and procedures, with such modifications as may be agreed upon and specified in the grant, provided the head of the constituent unit finds that these are such as to assure that the invention will be made available without unreasonable restrictions or excessive royalties, and provided the Government shall receive a royalty-free license, with a right to issue sublicenses as provided in § 8.3, under any patent applied for or obtained upon the inven-
- (c) Wherever practicable, any arrangement with the grantee pursuant to paragraph (b) of this section shall provide in accordance with Executive Order 9865 that there be reserved to the Government an option, for a period to be prescribed, to file foreign patent applications upon the invention.
- § 8.2 Determination as to domestic rights. Rights in any invention not subject to disposition by the grantee pursuant to paragraph (b) of § 8.1 are for determination by the head of the constituent organization as follows:

(a) If he finds that there is adequate assurance that the invention will either be effectively dedicated to the public, or that any patent which may be obtained thereunder will be generally available

for royalty-free and nonexclusive licensing, the effectuation of these results may be left to the grantee.

(b) If he finds that the invention will thereby be more adequately and quickly developed for widest use and that there are satisfactory safeguards against unreasonable royalties and repressive practices, the invention may be assigned to a competent organization for development and administration for the term of the patent or such lesser period as may be deemed necessary.

(c) If he finds that the interest of another contributing Government agency is paramount to the interest of the Department of Health, Education, and Welfare, or when otherwise legally required or in the public interest, the invention may be left for disposition by that agency in accordance with its own policy.

(d) In all other cases, he shall require that all domestic rights in the invention shall be assigned to the United States unless he determines that the invention is of such doubtful importance or the Government's equity in the invention is so minor that protective measures, except as provided in § 8.3, are not necessary in the public interest.

§ 8.3 Licenses to the Government. Any arrangement or determination as to the disposition of rights in inventions pursuant to § 8.1 or § 8.2 shall require that there be reserved under any patent application or patent thereon, domestic or foreign, a nonexclusive, irrevocable, royalty-free license to the Government with power to sublicense for all governmental purposes.

§ 8.4 Option to acquire foreign rights. In any case where it is determined that all domestic rights should be assigned to the Government, there shall be reserved to the Government, pursuant to Executive Order 9865 and Government-wide regulations issued thereunder, an option to require the assignment of all rights in the invention in all or in any specified foreign countries. In any case where the

inventor is not required to assign the patent rights in any foreign country or countries to the Government, or the Government fails to exercise its option within such period of time as may be provided by regulations issued by the Chairman of the Government Patents Board, any application for a patent which may be filed in such country or countries by the inventor or his assignce shall nevertheless be subject to a non-exclusive, irrevocable, royalty-free license to the Government for all governmental purposes, including the power to sublicense for all governmental purposes.

§ 8.5 Arrangements other than grants; fellowships. In the event of an invention arising from research activities assisted by the Department, other than inventions by Government employees or inventions arising from activities assisted by a research grant, ownership thereof shall be governed by the terms of the agreement or contract and shall be in accordance with any applicable law or regulation. In the discretion of the head of the responsible constituent organization, the award of a fellowship to a person not a Government employee, as so defined, may provide for the reporting of any invention made during the term thereof, and for its disposition in accordance with the provisions of paragraph (a) of § 8.1, or for its disposition by the institution at which the research was performed in accordance with its established policies, if applicable to such an invention, which (with any agreed modifications of such policies) meet the requirements of paragraph (b) or (c) of such section.

Since these parts deal with matters of internal management or personnel, and with grants, benefits, or contracts, notice of proposed rule-making is not required.

Dated: September 8, 1955.

[SEAL] ROSWELL B. PERKINS,
Acting Secretary.

[F. R. Doc. 55-7385; Filed, Sept. 13, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service
[26 CFR (1939) Part 314]

TAX ON RECLAIMED LUBRICATING OILS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the apapproval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P Washington 25, D. C., within the period of 30

days from the date of publication of this notice in the Federal Register. The proposed regulations are to be issued under the authority contained in sections 3450 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 419, 467; 26 U. S. C. 3450, 3791) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,

Acting Commissioner

of Internal Revenue.

This Treasury decision amends Regulations 44, relating to the taxes on gasoline, lubricating oil, and matches, to exclude from the term "manufacturer", as used therein in connection with the sale or use of lubricating oil, (1) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (2) a person who merely blends or mixes one

or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined.

Paragraph 1. Section 314.40 of Regulations 44 (1944 edition) (26 CFR (1939) Part 314) and § 314.40 of such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, are each amended as follows:

(A) Paragraph (c) (26 CFR (1939) 314.40 (c)) is amended by adding the word "and" after the comma at the end of subparagraph (1), and by changing the comma after the words "with other substances" in subparagraph (2) to a period and striking the remainder of the paragraph, so that paragraph (c) as so amended will read as follows:

(c) The term "manufacturer" includes (1) any person who produces lubricating oil by any process of manufac-

turing, refining, or compounding, or any manipulation involving substantially more than mere mixing of taxable oils, and (2) any person who produces lubricating oil by mixing taxable oils with other substances.

(B) Paragraph (d) (26 CFR (1939) 314.40 (d)) is amended by inserting "(1)" after the words "does not include", and by changing the period at the end of the paragraph to a comma and adding after such comma the words "(2) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (3) a person who merely blends or mixes one or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined." so that paragraph (d) as so amended will read as follows:

(d) The term "manufacturer" does not include (1) a person who merely blends or mixes two or more taxable lubricating oils, (2) a person who merely cleans, renovates, or refines used or waste lubricating oil, or (3) a person who merely blends or mixes one or more taxable lubricating oils with used or waste lubricating oil which has been cleaned, renovated, or refined.

Par. 2. The amendments made by paragraph 1 of this Treasury decision to § 314.40 of Regulations 44 (1944 edition) (covering the period beginning November 7, 1944, and ending December 31, 1954, inclusive) and to § 314.40 of such regulations as made applicable to the Internal Revenue Code of 1954 (covering the period after December 31, 1954) are hereby made applicable to the periods prior to November 7, 1944 (such periods being covered by Regulations 44 (1932, 1934, and 1939 editions))

[F. R. Doc. 55-7408; Filed, Sept. 13, 1955; 8:49 a. m.1

DEPARTMENT OF AGRICULTURE-

Agricultural Marketing Service

17 CFR Part 1004 I

[Docket No. AO-271]

HANDLING OF MILK IN CENTRAL ARIZONA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seg.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Central Arizona marketing area which was issued August 25, 1955 (20

September 19, 1955.

Dated: September 9, 1955.

F R. BURKE, Acting Deputy Administrator.

[F. R. Doc. 55-7423; Filed, Sept. 13, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11499; FCC 55-940] TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on June 17, 1955, by the WGR Corporation, permittee of Channel 2 (WGR-TV), Buffalo, New York, requesting it to amend the Table of Assignments in Section 3.606 of its Rules and Regulations, by assigning Channel 26 to Shinglehouse, Pennsylvania, and Channel 37 to Clymer, New York, and by deleting Channel 37 from Meadville, Pennsylvania, and replacing it with Channel 62, as follows:

City	Channel No.		
	Present	Proposed	
Shinglehouse, Pa	37	- 85+ 85+	

This proposal will require changing the carrier offset of the assignment to Frederick, Maryland, from Channel 62 plus to Channel 62 even.

3. In support of the proposed amendments, petitioner submits that there are no assignments to Shinglehouse and Clymer and notes that the proposals would conform to the Commission's Rules and Standards. Petitioner represents that if the proposed assignments are made, it will file applications for the frequencies at Shinglehouse and Clymer.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

5. Authority for the adoption of the proposed amendment is contained in Sections 4 (i), 301, 303 (c) (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendments proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 14, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original

F R. 6340), is hereby extended until comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 8, 1955.

Released: September 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-7411; Filed, Sept. 13, 1955; 8:50 a. m.]

[47 CFR Part 11]

[Docket No. 11435; FGC 55-933]

POWER RADIO SERVICE; ELIGIBILITY

EXTENSION OF TIME FOR FILING COLLECTS

- 1. Notice of Further Proposed Rule Making is hereby given in the above entitled matter.
- 2. The Commission's Notice of Proposed Rule Making in this Proceeding was adopted June 29, 1955, and stipulated that comments with respect to the proposal should be filed on or before September 16, 1955.
- 3. The National Committee for Utilities Radio (NCUR) in a petition dated August 20, 1955, has requested an extension of time to December 2, 1955, for filing comments. The petition also requests the Commission to issue a Further Notice of Proposed Rule Making so as to "provide more of the Commission's rationale in presenting this particular proposal" The petition states that the NCUR is currently compiling information which will be of assistance to the Commission in regard to its proposal.
- 4. The subject petition has been considered by the Commission. It appears that the public interest will be served by granting the request for additional information. As set forth below, the Commission is relating the considera-tions leading up to this proposal. It also appears that the public interest will be served by granting an extension of time for the filing of comments, the current expiration date for which is now September 16, 1955. However, it is believed that an extension of time from September 16 to November 2, instead of December 2, 1955, as requested, is a reasonable amount of time to permit completion of the channel loading study and forecast described by the NCUR.
- 5. The proposed amendment to the Rules is issued pursuant to the authority

of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

6. It is ordered, That the date stipulated for filing comments in the Commission's Notice' of Proposed Rule Making in this proceeding adopted June 29, 1955, is hereby extended to November 2, 1955 and

7. It is further ordered, That the date for filing comments in reply to original comments is extended to November 14, 1955.

Adopted: September 7, 1955. Released: September 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY

Mary Jane Morris, Secretary.

FACTORS CONSIDERED BY FEDERAL COMMUNICA-TIONS COMMISSION IN CONNECTION WITH PROPOSED AMENDMENTS TO PART 11 OF COM-MISSION'S RULES

Except for the fact that telephone lines carry energy in the form of intelligence rather than in the form of power, there is little difference between telephone outside plant and electric power outside plant. Both industries utilize open-wire lines, cables and underground transmission lines. In fact, both industries, in many instances, use the same pole lines and rights-of-way. Both in-

dustries are public utilities and the maintenance of public communication circuits is of the same order of importance to the public welfare as the maintenance of power circuits and water and gas utility lines. Also, the maintenance of power, water and gas facilities, to no small degree, depends upon proper maintenance of public communication facilities.

The type of service which would be rendered by construction, repair and maintenance mobile systems of common carriers is the same as that being rendered by other public utilities licensed in the Power Radio Service. Therefore, the Commission's proposal retains the operational characteristics of the frequencies now being utilized in this service.

Sharing of Domestic Public frequencies was not considered an appropriate solution because these are available only to stations open to public correspondence.

The Commission proposed in Docket 9703 to permit right-of-way construction use of Special Industrial frequencies and suggested that Part-6 could be amended to provide for other maintenance uses by common carriers. If this plan were to be followed, two separate mobile systems might be required in given instances for the common carrier maintenance and construction operation. This would double the frequency requirements in any area, since the right-of-way operations would require one set of frequencies in the industrial bands and the plant maintenance operations would require another set in the Domestic Public bands.

The Power Radio Service has developed an unofficial national geographical assignment plan. In general, public utilities cooperate and coordinate in the planned assignment of frequencies to their mobile systems so as to permit the greatest amount of interference-free service. Inasmuch as communications common carriers are public utilities, generally operating in the same areas as other public utilities, it would appear that, through mutual considerations of one anothers' problems, all of these users, including the common carriers, can continue the existing frequency coordination procedures being maintained in the Power Radio Service.

There is no intention, inherent or implied, in the existing proposal, which in any way leads up to the possibility of permitting public correspondence on the frequencies available to the Power Radio Service. Public correspondence on such frequencies would be considered to be entirely incompatible with the Power Radio Service use of these frequencies.

Further, the Notice of Proposed Rule Making goes only to the point of making the communications common carriers eligible in the Power Radio Service. The saturation of some existing Power Radio Service assignments and the degradation which might result from additional assignments are soparate matters which are under active study and will not be prejudiced by the proceedings in this Docket.

[F. R. Doc. 55-7412; Filed, Sept. 13, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

J

Commodity Stabilization Service and Commodity Credit Corporation

Producers of Sheep and Wool o determination of producers' approval on referendum

Pursuant to section 708 of the National Wool Act of 1954 (7 U. S. C. 1787) a referendum was held among producers of sheep and wool in the United States to determine whether they approved an agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs and for deductions from payments to such producers pursuant to that act. Notice of the referendum (20 F R. 4452, 4976) issued on June 22, 1955, included a copy of the agreement.

In the referendum held pursuant to the notice, 71.27 percent of the voting producers who during any one period of 30 consecutive days since January 1, 1955, and prior to their casting the ballot, which is a representative period of production, were engaged in the United States in the production for market of sheep and wool, voted in favor of the agreement and those voting in favor owned 71.98 percent of the sheep owned by all the voting producers.

Accordingly, I hereby determine that in said referendum more than two-thirds of the total number of producers and more than two-thirds of the total volume of production represented in the referendum indicated approval of the agreement as required in said act, and that therefore the agreement has the ap-

proval of the requisite number of producers. The agreement will be put into effect in accordance with the provisions thereof.

(Sec. 708, 68 Stat. 912; 7 U. S. C. 1787)

Done at Washington, D. C., this 9th day of September 1955.

[SEAL]

EARL L. BUTZ, Acting Secretary.

[-, R. Doc. 55-7421; Filed, Sept. 13, 1955; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2801]

COMMISSIONER OF SOCIAL WELFARE OF VIRGIN ISLANDS

DESIGNATION TO ACT AS GOVERNOR

SEPTEMBER. 7, 1955.

Section 1. Designation. In the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the Government Secretary of the Virgin Islands, the Commissioner of Social Welfare of the Virgin Islands shall act as Governor, and he shall have all the powers of the Governor for so long as such condition continues.

SEC. 2. Revocation. Order No. 2796 (20 F R. 5905) is revoked.

(Sec. 15, act of July 22, 1954, 68 Stat. 497, 504; 48 U. S. C. A. sec. 1596)

Douglas McKay, Secretary of the Interior

[F. R. Doc. 55-7382; Filed, Sept. 13, 1955; 8:45 a. m.]

National Park Service

[Order 14, Amdt. 1]

REGIONAL DIRECTORS

DELEIGATIONS OF AUTHORITY WITH RESPECT TO ADMINISTRATION, OPERATION, AND DE-VELOPMENT OF CERTAIN AREAS

(1) The first sentence of section 1 of Order No. 14, approved December 1, 1954 (19 F R. 8824), from the beginning of the sentence to the colon, is amended to read as follows:

Section 1. The Regional Directors of the National Park Service, in the administration, operation, and development of the areas and offices in the Regions under their supervision, and the Supermendent, National Capital Parks, in the administration, operation, and development of the areas and offices under his supervision, are authorized to exercise all of the authority now or hereafter vested in the Director, except with respect to the following matters:

(2) Section 1 (i) is amended to read as follows:

(i) Execution and termination of concession contracts and permits in excess of five years and approval of transfers of corporate stock, except stock transfers involving bathhouses in Hot Springs National Park which do not involve a change in ownership in more than 15 per cent of the outstanding stock and will not vest in the transferee more than 50 per cent of the outstanding stock of a bathhouse, or involve an interest in more than one bathhouse.

(Secretary's Order No. 2640; 39 Stat. 535; 16 U. S. C. 1952 ed., sec. 2)

[SEAL]

HILLORY A. TOLSON,
Acting Director.

[F. R. Doc. 55-7381; Filed, Sept. 13, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6597, 6749]

CONTINENTAL AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Continental Air Lines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate of public convenience and necessity for route No. 29 authorizing service beyond San Antonio, Texas, to the terminal points Houston, Texas, Docket No. 6597; and in the matter of Board investigation re Braniff-TWA interchange at Amarillo, Texas, Docket No. 6749.

Notice is hereby given, pursuant to the Civil Aeronautics Act of \$\infty\$1938, as amended, particularly sections 205 (a), 401, 404 (a) 408, 412, 1001, and 1002 (i), that a hearing in the above-entitled proceeding will be held on September 19, 1955, at 10:00 a. m., e. d. s. t., in Conference Room A, Departmental Auditorium, Twelfth Street and Constitution Ave. NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

- 1. Does the public convenience and necessity require the provision of through service between Texas and California points by interchange of equipment at Amarillo, Texas, between Braniff Airways, Inc., and Trans World Airlines, Inc.?
- 2. Does the public convenience and necessity require the amendment of the certificate of public convenience and necessity of Continental Air Lines, Inc., to permit it to serve Houston, Texas, on segment 2 of route No. 29 on either a permanent basis or for a temporary period of five years, subject to the restriction that Continental shall serve Houston, Texas, only upon through plane flights operated between Houston and points west of El Paso on route 4 pursuant to interchange agreement between Continental and American Airlines, Inc., approved by the Board, and that Continental shall not serve any point between San Antonio and El Paso, Texas, on any such flight?
- 3. Whether Continental is fit, willing and able to perform properly the air transportation requested in its application, and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended, and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding interested persons are referred to the application, the pertinent orders of the Board, and the prehearing conference report, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board, on or before September 19, 1955, a statement setting forth the issues of fact or law upon which he desires to be heard.

Dated at Washington, D. C., September 8, 1955.

[SEAL]

THOMAS L. WREIN, Acting Chief Examiner

[F. R. Doc. 55-7374; Filed, Sept. 9, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11468; FCC 55-938]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN,
AMENDMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of September, 1955;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, That Notice of Proposed Rule Making (FCC 55-842) setting forth the above amendment was issued by the Commission on July 29, 1955 and was duly published in the Federal Register (20 F R. 5597), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 26, 1955; and

It further appearing, That no comments were received either favoring or opposing the proposed allocation;

It further appearing, That the adoption of the proposed amendment would enable the assignment of Channel No. 280 to a proposed new FM broadcast station in Princeton, New Jersey

It further appearing, That authority for the adoption of the proposed amendment is contained in Sections 4 (i), 301, 303 (c) (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Philadelphia, Pennsylvania:

General area	Channel		
General area	Deleto	Add	
Philadelphia, Pa	210		

Released: September 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY

Mary Jane Morris, Secretary.

[F. R. Doc. 55-7413; Filed, Sept. 13, 1955; 8:51 a. m.] [FCC 55-935; Amdt. O-10]

CHIEF HEARING EXAMINER

DELEGATION OF CERTAIN AUTHORITIES PRES-ENTLY DELEGATED TO MOTIONS COMMIS-SIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of September 1955;

The Commission having under consideration the delegation to the Acting Chief Hearing Examiner of certain authorities presently delegated to the Motions Commissioner, and related matters; and

It appearing that the amendment herein ordered would be in aid of orderly administrative procedure; and

It further appearing that the amendment herein is procedural in nature and, therefore, compliance with the public notice and rulemaking procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered That pursuant to sections 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act, Part O of the Commission's rules is hereby amended, as follows, effective immediately.

Section 0.222 (c) which provides that in the absence of the Chief Hearing Examiner the Motions Commissioner will discharge the several functions specified in section 0.224 is hereby deleted.

Section 0.224 is hereby amended to read as follows:

Sec. 0.224 Authority delegated. The Chief Hearing Examiner, or in his absence the Acting Chief Hearing Examiner, shall act upon the following matters: * * *

Released: September 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION, MARY JAME MORRIS,

[SEAL] MARY JAME MORRIS, Secretary,

[F. R. Dac, 55-7414; Filed, Sept. 13, 1955; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3210]

SOUTHEASTERN GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 7, 1955.

Take notice that Southeastern Gas Company (Applicant) a Delaware corportion whose address is Charleston, West Virginia, filed on September 27, 1954, as supplemented on July 5, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from various fields in Kentucky and West Virginia to United Fuel Gas Company and Godfrey L. Cabot, Inc., as set forth in its application herein, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission. by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1955, at 9:35 a. m., e. s. t., m a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application. Provided, however That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and pro-

Profests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7388; Filed, Sept. 13, 1955; 8:46 a. m.]

[Docket No. G-3245]

CUMBERLAND GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 7, 1955.

Take notice that Cumberland Gas Corporation (Applicant) a West Virginia corporation whose address is Charleston, West Virginia, filed on September 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from various fields in Lincoln, Cahall, Boone, Kanawha, and Putnam Counties, West Virginia, as set forth in its application herein, to South Penn Gas Company, United Fuel Gas Company and Godfrey L. Cabot, Inc., for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1955, at 9:40 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1955. Failure of any party to appear at and participate in the hearing will be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7389; Filed, Sept. 13, 1955; 8:46 a. m.]

[Docket No. G-5939]

POINT CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 7, 1955.

Take notice that Point Corporation (Applicant) a Texas corporation whose address is P O. Box 13237, Houston 19, Texas, filed on November 26, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell in interstate commerce its portion of the natural gas produced from wells in the North Mathis Gas Field of San Patricio County, Texas, to the United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in-

volved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7390; Filed, Sept. 13, 1955; 8:46 a. m.]

[Docket No. G-5983]

- HARVEY E. WASSON

NOTICE OF APPLICATION AND DATE OF HEARING

September 7, 1955.

Take notice that Harvey E. Wasson, individually and as Attorney in fact for Henryetta H. Grothe and Ford Oil Corporation (Applicant) whose address is 107 East College, Longview, Texas, filed on November 26, 1954, an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public mspection.

Applicant produces natural gas from the Rodessa Field of Marion County, Texas, and sells it in interstate commerce to the Arkansas-Louisiana Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1955, at 9:40 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7391; Filed, Sept. 13, 1955; 8:46 a. m.]

[Docket No. G-6256]

CHICAGO STOCK YARDS RESEARCH CO.

NOTICE OF APPLICATION AND DATE OF HEARING

September 7, 1955.

Take notice that Chicago Stock Yards Research Company, Applicant, a Delaware corporation whose address is National Bank of Commerce Building, New Orleans 12, Louisiana, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the North Houma Gas Field of Terrebonne Parish, Louisiana, and sells it in interstate commerce to the United Gas Pipe Line Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1955 at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.3 or 1.10) on or before September 26, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7392; Filed, Sept. 13, 1955; 8:46 a. m.]

[Docket No. G-9091]

CITY OF ELBERTON, GA.

NOTICE OF APPLICATION FOR INCREASED DELIVERY OF NATURAL GAS

SEPTEMBER 7, 1955.

Take notice that the City of Elberton, Georgia (Applicant), filed on June 30, 1955, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation (Transcontinental) to supply 200 Mcf of natural gas per day, in addition to its present allocation of 1,590 Mcf per day which Transcontinental has been authorized to deliver.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7393; Filed, Sept. 13, 1955; 8:46 a. m.]

[Docket No. G-9177]

GEORGE JACKSON

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 7, 1955.

Take notice that George Jackson (Applicant) whose address is P. O. Drawer 351, Clarksburg, West Virginia, filed on July 25, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Buckhannon District, Upshur County, West Virginia, at 20 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30

(c) (1) or (c) (2) of the Commission's rules of practice and pracedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7334; Filed, Sept. 13, 1855; 8:47 a. m.]

[Docket No. G-9193]

CITY OF HARTWELL, GA.

NOTICE OF APPLICATION FOR INCREASED DELIVERY OF NATURAL GAS

SEPTEMBER 7, 1955.

Take notice that the City of Hartwell, Georgia (Applicant) filed on June 30, 1955, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation (Transcontinental) to supply 300 Mcf of natural gas per day, in addition to its present allocation of 1,000 Mcf per day which Transcontinental has been authorized to deliver.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7395; Filed, Sept. 13, 1955; 8:47 a. m.]

[Project No. 1426]

BUCHAM & HEINEM PACKING CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 7, 1955.

Public notice is hereby given that Buchan & Heinen Packing Co., of Port Armstrong, Alaska, has filed application under the Federal Power Act (16 U. S. C. 791a-325r) for a new license for constructed water-power Project No. 1423 located on Sheckley Upper Lake, Sheckley Lower Lake, and Sheckley Creek flowing from the outlet of Sheckley Lower Lake into Port Armstrong on the coutherly end of Baranof Island, in the First Judicial Division, Territory of Alaska, and consisting of a low storage dam at the outlet of Sheckley Upper Lake controlling the flow into Sheckley

6756 NOTICES

Lower Lake, a pipeline leading to applicant's herring reduction plant, and a number of water wheels coupled to plant machinery, one of which drives an electric generator for lighting purposes. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is October 18, 1955. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7396; Filed, Sept. 13, 1955; 8:47 a. m.]

[Docket No. G-2018]

EL PASO NATURAL GAS CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 7, 1955.

Upon consideration of the motion of El Paso Natural Gas Company, filed August 31, 1955, for continuance of the hearing in the above-designated matter now scheduled for September 13, 1955;

The hearing now scheduled for September 13, 1955, is hereby postponed to November 28, 1955, at 10:00 a.m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL]

Leon M. Fuquay, Secretary.

[F R. Doc. 55-7397; Filed, Sept. 13, 1955; 8:47 a. m.]

[Docket No. G-4658]

Anderson-Prichard Oil Corp.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1955.

Take notice that Anderson-Prichard Corporation (Applicant) a corporation whose address is Liberty Bank Building, Oklahoma City 2, Oklahoma filed on May 16, 1955, an application for permission to abandon service pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produced and sold natural gas on June 7, 1954, from the Nelsonville Field, Austin County, Texas, to Tennessee Gas Transmission Company pursuant to contract of sale dated June 17, 1953, and authorized in Docket No. G-962. As of January 1, 1955, the gas supply from the well covered by said contract was exhausted and Applicant requests authority to abandon service and cancel the Rate Schedule under said contract pursuant to section 7 (b) of the Natural Gas Act.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections' 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 31, 1955, at 9:30 a.m., e. s. t., m a Hearing Room of the Federal Power Commission, 441 G Street NW., Washing, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 10, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7398; Filed, Sept. 13, 1955; 8:47 a. m.]

[Docket No. G-5239]

Fred H. Ryan

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1955.

Take notice that Fred H. Ryan (Applicant) an individual whose address is 522 Commercial National Bank Building, Shreveport, Louisiana, filed on November 22, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells in interstate commerce natural gas produced from Monroe Gas Field, Ouachita Parish, Louisiana, to Southwest Gas Producing Company for resale to Texas Gas Transmission Company. The stated price is 4 cents per Mcf

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 27, 1955, at 9:45 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.,

concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7399; Filed, Sept. 13, 1955; 8:48 a. m.]

[Docket Nos. G-6296, 6297]

LEONARD OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1955.

Take notice that Leonard Oil Company (Applicant) a New Mexico corporation whose address is Roswell, New Mexico, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from wells in Langlie-Mattix Pool and the Jalmat Gas Pool of Lea County, New Mexico, and sells it in interstate commerce to El Paso Natural Gas Company for resele

for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1955 at 9:30 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 29, 1955. Failure of

any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 55-7400; Filed, Sept. 13, 1955; 8:48 a. m.]

[Docket No. G-6434]

BOBBY MANZIEL ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1955.

Take notice that Bobby Manziel for himself and others as Agent and hereinafter referred to singly and collectively as (Applicant) whose address is Manziel Building, Tyler, Texas, filed on December 2, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Carthage Gas Field of Panola County, Texas, and sells it in interstate commerce to United Gas Pipe Line Company, Texas Gas Company, Texas Gas Transmission Corporation, and Arkansas-Louisiana Gas Company, respectively, for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and

to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1955, at 9:40 a. m., e. s. t., m a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor

is made. [SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7401; Filed, Sept. 13, 1955;

8:48 a. m.] No. 179—5

[Docket Nos. G-8809, etc.] ATLANTIC REFINING CO. ET AL.

FEDERAL REGISTER

NOTICE OF HEARING

SEPTEMBER 8, 1955.

In the matters of The Atlantic Refining Company, Docket No. G-8809; The California Company, Docket No. G-8810: Union Oil Company of California, Docket No. G-8811, Texas Gas Transmission Corporation, Docket No. G-8323.

There have been filed with the Federal Power Commission, applications as hereinafter specified:

Applicant	Address	Date filed	Dock t No.
The Atlantic Refining Co. The Califernia Co. Union Oil Co. of Califernia. Texas Gas Transmission Corp.	Philodolphia, Pa New Orleans, La Les Angeles, Calif. Owenshero, Ky	Apr. 27, 1933 dodo Apr. 29, 1935	G-553 G-511 G-513

each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities and the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications now on file with the Commission and open to public inspec-

The Atlantic Refining Company, The California Company and Union Oil Company of California in their respective applications propose to sell natural gas produced from the East Lake Palourde Field, Assumption Parish, Louisiana, to Texas Gas Transmission Corporation for transportation in interstate commerce for resale.

Texas Gas Transmission Corporation (Texas Gas) proposes:

(1) To increase firm deliveries to The Ohio Fuel Gas Company (Ohio Fuel) by 35,000 Mcf per day, and, simultaneously therewith, discontinue interruptible deliveries under Texas Gas' IS-4 rate schedule: and

(2) To serve the increased firm requirements for the 1957-58 winter of the customers of Texas Gas other than Ohio Fuel, in the amount of 73,598 Mcf.

Texas Gas requests authority to construct and operate the necessary facilities to render the additional service above-described. These proposed facilities are:

(1) Approximately 32.48 miles of 30inch pipe;

(2) Approximately 9.08 miles of 26inch pipe;

(3) Approximately 111.83 miles of 20inch pipe;

(4) Approximately 0.76 miles of 16inch pipe:

(5) Approximately 28.88 miles of 12inch pipe;

(6) Approximately 15.14 miles of 8inch pipe; (7) 20,270 compressor horsepower;

and (8) Two check meter stations and one

regular station. These facilities will be located in the States of Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, and Indiana.

The total overall cost of the proposed facilities is estimated to be \$19,969,000. Texas Gas proposes to finance the proposed facilities and other construction through the sale of \$18,000,000 of 3.9% Series Debentures and \$20,000,000 of 334% Series First Mortgage Pipe Line Bonds.

Notice of said applications have been duly published in the Federal Register. on June 14, 1955 (20 F R. 4171)

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Com-mission's rules of practice and procedure, a hearing will be held on October 17, 1955, at 10:00 a. m., e. s. t., m a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

[SEAL]

LEON M. FUQUAY, Secretary.

[P. R. Doc. 55-7462; Filed, Sept. 13, 1955; 8:43 a. m.]

[Docket No. G-9042]

GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEADING

September 8, 1955.

Take notice that Gas Transmission Company, Applicant, an individual whose address is C. W. Hoag, owner, Route 5, Box 25, Guthrie, Ollahoma. filed on June 16, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct facilities for the delivery and sale of gas in Logan County, Ollahoma, to Cities Service Gas Company at a proposed sales price of 10 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

6758 NOTICES

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 26, 1955, at 9:45 a. m., e. s. t., m a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7403; Filed, Sept. 13, 1955; 8:48 a. m.]

[Docket No. G-9153]

LATE OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1955.

Take notice that Late Oil Company (Applicant) a partnership whose address is Box 670, San Angelo, Texas, filed on July 18, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell gas from Shafter Lake Field, Andrews County, Texas, to Phillips Petroleum Company for resale. The stated price is 7.04472

cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and

to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however That the Com-

mission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7404; Filed, Sept. 13, 1955; 8:48 a. m.]

[Docket No. G-9154]

ATLANTIC REFINING Co.

NOTICE OF APPLICATION AND DATE
OF HEARING

SEPTEMBER 8, 1955.

Take notice that The Atlantic Refining Company (Applicant) a corporation, whose address is P O. Box 2819, Dallas 1, Texas, filed on July 18, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells in interstate commerce natural gas produced in Palmetto Field, St. Landry Parish, Louisiana, to Transcontinental Gas Pipe Line Corporation for resale. The stated price is 16 cents

per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 26, 1955, at 9:30 a. m., e. s. t., m a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and pro-

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7405; Flied, Sept. 13, 1955; 8:48 a. m.]

[Docket No. G-9165]

HUDSON OIL & METALS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1955.

Take notice that Hudson Oll & Motals Company, a partnership, (Applicant), whose address is 412 Corrigan Towor, Dallas, Texas, filed on July 21, 1955, an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the Jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell gas from Ignacio Field, La Plata County, Colorado, commencing September 1955, at 12 cents per Mcf, to El Paso Natural Gas Company for transportation in interstate

commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1955, at 9:45 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (19 CFR 1.8 or 1.10) on or before October 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7406; Filed, Sept. 13, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 77]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 9, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGister and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39) CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the Federal

Except when circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the Federal Register. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1441 Sub 12, filed August 19, 1955, amended September 6, 1955, published in the September 8, 1955; issue, MERRILL MOTOR LINE, INC., 2520 N. E. 35th Street, Fort Worth, Tex. Applicant's attorney Ralph W Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a contract carrier over irregular routes, transporting: Meats, meat products and meat by-products, dary products, and articles distributed by meat-packing houses, as defined by the Commission, from Fort Worth and Dallas, Tex., to Austin, Belton, Bonham, Cameron, Commerce, Cooper, Denison, Denton, Fairfield, Gamesville, Greenville, Groesback, Hillsboro, Jacksonville, Lott, McKinney, Marlin, Mart, Mexia, Palestine, Paris, Sherman, Sulphur Springs, Teague, Temple, Waco and Waxahachie, Tex., operating a peddler's service only. Applicant is authorized to conduct operations in Oklahoma and Texas.

No. MC 2401 Sub 14, filed August 25, 1955, MOTOR FREIGHT CORPORA-TION, 2345 South 13th St., Terre Haute, Ind. Applicant's attorney Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a common carrier, over a regular route, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Washington, Ind., and the site of United States Gypsum Company plant, near Shoals, Ind., from Washington over U.S. Highway 50 to junction unnumbered County road approximately five (5) miles east of Shoals, thence over unnumbered County road to the site of United States Gypsum Company plant, and return over the same route, serving no intermediate points but serving Washington, Ind., for joinder purposes only. Applicant is authorized to conduct operations in Illinois, Indiana, and Missouri.

No. MC 5709 Sub 5, filed August 22, 1955, JOHN J. PEHLER, ADRIAN PEHLER AND AURELIS PEHLER, doing business as PEHLER & SONS, Dodge, Wis. Applicant's representative; A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a common carrier over irregular routes, transporting: Animal feeds, poultry feeds, and fertilizer, in bulk, from Winona, St. Paul, South St. Paul, and Minneapolis, Minn. to the townships of Caledonia, Trempealeau, Dodge, Gale, Preston, and Arcadia, Trempealeau County, Wis., and the township of Buffalo, Euffalo County, Wis. Applicant is authorized to transport feeds to the above-named towns from Red Wing, Minn.

No. MC 9895 Sub 82, filed May 12, 1955, amended September 1, 1955, published in the May 25, 1955 issue, on page 3659, R.B. "DICK" WILSON, INC., P. O. Box 838, East 59th Ave. and Highway 6, Denver, Colo. Applicant's attorney Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a common carrier over irregular routes, transporting: Molasses, in bull; in tank trucks, between points in Colorado, Wyoming, those in Nebraska on and west of U. S. Highway 183, those in Kansas on and west of U.S. Highway 183, and those in and west of Perkins, Meade, Pennington, Washabaugh, and Shannon Counties, S. Dak.

No. MC 11220 Sub 61, filed September 2, 1955, GORDONS TRANSPORTS, INC., 781 So. Main St., Memphis, Tenn. Applicant's attorney James W. Wrape, Sterick Bldg., Memphis, Tenn. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as an alternate route, serving no intermediate points, in connection with carrier's authorized regular-route operations between (1) Memphis, Tenn., and Selmer, Tenn., which is a portion of the regular-route operation between Mem-

phis, Tenn., and Corinth, Miss., and (2) Selmer, Tenn., and Birmingham, Ala. Applicant is authorized to conduct operations in Illinois, Tennessee, Missouri, Mississippi, Alabama, Kentucky, Louisiana, and Arlansos.

No. MC 29120 Sub 50, filed August 15, 1955, WILSON STORAGE AND TRAILS-FER CO., a South Dakota corporation, 110 North Reid Street, Sioux Falls, S. Dak. For authority to operate as a common carrier over a regular route, transporting: General commodities, including articles of unusual value, moving in express service, between Aberdeen, S. Dalt., and Marmath, N. Dak., over U. S. Highway 12, serving the intermediate points of Mina, Ipswich, Beebe, Rossie, Bowdle, Selby, Glenham, Mobridge, McLaughlin, Cadillac, Walker, McIntosh, Watauga, Morristown, Keldron, Thunder Hawl:, Lemmon, White Butte, S. Dali., and Haynes, Hettinger, Bucyrus, Reeder, Gascoyne, Scranton, Buffalo Springs, Bowman, Rhame, N. Dala, and the off-route point of Java, S. Dala. RESTRIC-TION: (a) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Milwauliee, St. Paul and Pacific Railroad, heremafter called the Railway; (b) Said carrier shall not serve any point not a station on the rail line of the Railway. (c) All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as it may find necessary in order that such arrangements shall be fair and equitable to the parties; and (d) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation authorized herein to a service which is auxiliary to, or supplemental of, rail service.

NOTE: Applicant states this application is primarily for the purpose of securing authority to transport "Head End" traffic described as express, beggage, cream, empty cans and company mail of the Chicago, Milwaukee, St. Paul and Pacific Railread Company), which service will be distinctly separate from the applicant's service over the above route authorized in MC 29120. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebrasha, North Dakota, South Dakota, and Wyoming.

No. MC 30319 Sub 56, filed August 22, 1955, SOUTHERN PACIFIC TRANS-PORT COMPANY, a Texas corporation, 810 North San Jacinto St., P. O. Box 4054, Houston, Tex. For authority to operate as a common carrier, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) serving the plant site of Trunkline Gas Corporation, located approximately 2.2 miles east of Cypress, Tex., as an offroute point in connection with regular route operations between Houston, Tex., and Austin, Tex., (2) serving the plant site of Trunkline Gas Corporation, located approximately seven miles southwest of Kountze, Tex., as an off-route point in connection with regular route operations between Lufkin, Tex., and 6760 NOTICES

Beaumont, Tex., (3) serving the plant site of Trunkline Gas Corporation, located approximately 16 miles southeast of Beeville, Tex., as an off-route point in connection with regular route operations between Hungerford, Tex., and Beeville, Tex., and (4) serving the plant site of Trunkline Gas Corporation, located approximately three miles southwest of Premont, Tex., as an off-route point in connection with regular route operations between Karnes City, Tex., and Corpus Christi, Tex. RESTRICTION: (a) service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of applicant's affiliate, the Texas & New Orleans Railroad; (b) Shipments transported by carrier shall be limited to those which have a prior or subsequent movement by rail or water; (c) Carrier shall not serve any point not a station on the line of the railroad, other than the plant sites of the Trunkline Gas Corporation. located near the railhead towns of Cypress, Kountze, Beeville and Premont. which locations are more fully described above; (d) All contractual arrangements between said carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specified conditions as the Commission. in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to. or supplemental of, rail service. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 30319 Sub 57, filed August 22, 1955, SOUTHERN PACIFIC TRANS-PORT COMPANY, a Texas corporation, 810 North San Jacinto, P O. Box, 4054, Houston, Tex. For authority to operate as a common carrier over a regular route, transporting: General commodities, except those of unusual value. Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Orange, Tex., and Echo (Orange Co.) Tex., from Orange over Texas Highway 87 to junction Farm-to-Market Road 1134, thence over Farm-to-Market Road 1134 to junction unnumbered County Road, thence over unnumbered County Road to Echo, and return over the same route, serving in addition to the termini the plant site of the Texas Portland Cement Company, which is located between the Texas & New Orleans rail station of Echo, Tex., and the Sabine River. RESTRICTION: (a) Service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of applicant's affiliate, the Texas & New Orleans Railroad; (b) Shipments transported by carrier shall be limited to those which have a prior or subsequent movement by rail or water. (c) Carrier shall not serve any point not a station on the railroad; (d) All Contractual ar-rangements between said carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that

such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of rail service. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 34180 Sub 18, filed September 1, 1955, J. L. NAYLOR, doing business as EL PASO-PECOS VALLEY TRUCK LINES, 151 N. Lee St., El Paso, Tex. For authority to operate as a common carrier over regular routes, transporting: General commodities, including Class A, Class B, and Class C explosives, but excepting those of unusual value. household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Carrizozo, N. Mex., and Red Canyon Range Camp, N. Mex., from Carrizozo over U.S. Highway 380 to the entrance of the unnumbered military highway seventeen (17) miles west of Carrizozo, and thence over the unnumbered highway a distance of five (5) miles to the site of the Red Canyon Range Camp, and return over the same route. Applicant is authorized to conduct operations in New Mexico and Texas.

No. MC 35211 Sub 2, filed August 22, 1955, FRANK MURPHY, 730 Richmond Terrace, New Brighton, Staten Island, N. Y. Applicant's attorney August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a contract carrier over irregular routes, transporting: Building materials (other than cement, lumber and brick), as listed in the application, from New Brighton, Staten Island, N. Y., to points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties, N. J., and Philadelphia, Pa., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified and returned pallets on return. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

No. MC 35334 Sub 37, (amended) published on page 4605 issue of June 29, 1955, filed May 26, 1955, COOPER-JARRETT, INC., 1223 West 73rd St., Chicago 36, Ill. For authority to operate as a common carrier over regular routes, transporting: General commodities. except those of unusual value and except Class A and B explosives, and household goods, as defined by the Commission, and commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration) between Huntington, Ind., and Tiffin, Ohio, from Huntington over U.S. Highway 224 to Tiffin, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular-route operation between Kansas City, Mo., and New York, N. Y. Applicant is author-1zed to conduct operations in Colorado. Connecticut,, Illinois, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, and Tennessee.

No. MC 47619 Sub 11, filed August 15, 1955, IOWA-NEBRASKA TRANSPOR-TATION CO., INC., 1539 W 32nd Place, Chicago 8. Ill. For authority to operate as a common carrier, over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cedar Rapids, Iowa, and junction U.S. Highway 6, from Cedar Rapids over Iowa Highway 149 to junction U. S. Highway 6, also, from Cedar Rapids over Iowa Highway 149 to junction Iowa Highway 220, thence over Iowa Highway 220 to junction U. S. Highway 6, and return, serving the intermediate points of Amana, West Amana, High Amana, Middle Amana, East Amana and South Amana, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Nebraska. No. MC 59131 Sub 14, filed August 30,

1955, S & D MOTOR LINES, INC., South Fourth Street, Fulton, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a common carrier, over a regular route, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Syracuse, N. Y., and New York, N. Y., from Syracuse, over U. S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Columbia, N. J., thence over U. S. Highway 46 to junction with New Jersey Highway 69, thence over New Jersey Highway 69 to junction with U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1 near Newark Airport, thence over U.S. Highway 1 to the Holland Vehicular Tunnel. and thence via said tunnel to New York. and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations between Fulton, N. Y. and New York, N. Y. Carrier is authorized to conduct operations in New York and New Jersey.

No. MC 61396 Sub 55, filed August 15, 1955, HERMAN BROS., INC., 1216 Farnam St., P O. Box 1237, Omaha, Nebr. For authority to operate as a common carrier over irregular routes, transporting: Crude oil, in bulk, in tank vehicles, from Atchison County, Mo. to points in Kansas, Nebraska, and Iowa. Applicant is authorized to conduct operations in Kansas, Nebraska, Iowa, and Missouri.

No. MC 64932 Sub 193, filed August 29, 1955, ROGERS CARTAGE CO., 1934 S. Wentworth Ave., Chicago, Ill. Applicant's attorney Carl L. Steiner, 30 S. LaSalle St., Chicago 3, Ill. For authority to operate as a common carrier, over irregular routes, transporting: Slushing oil, in bulk, in tank vehicles, from Chicago, Ill. to Lackawanna, N. Y. Applicant is authorized to conduct operations in Iowa, Illinois, Missouri, Indiana, and Kentucky.

No. MC 65346 Sub 23, filed September 2, 1955 PACKER CITY TRANSIT LINE,

INC., 1148 Velp Avenue, P. O. Box 1016, Greene Bay, Wis. Applicant's attorney Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a contract carrier over irregular routes, transporting: Glass and glass articles, from Marion, Ind., to points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana and Wisconsin.

No. MC 70451 Sub 172, filed April 11, 1955, WATSON BROS. TRANSPORTA-TION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a common carrier over a regular route, transporting: General commodities, including Class A, B and C explosives, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Springfield, Ill., and East St. Louis, Ill., over U. S. Highway 66, serving no intermediate points, with service at East St. Louis, Ill., and Springfield, Ill., for joinder purposes only, restricted against any service between Chicago, Ill., and East St. Louis, Ill., as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations (1) between Cook County, Il., and St. Joseph, Mo., which is a portion of carrier's regular route operations between Cook County, Ill., and points in Buchanan, Andrew, Nodaway, Worth, Gentry, Harrison and De Kalb Counties, Mo., and Taylor and Page Counties, Iowa, over regular and irregular routes, (2) between St. Louis, Mo., and junction U. S. Highways 61 and 36, which is a portion of carrier's regular route operations between St. Louis, Mo., and Owatonna, Minn., and between Des Moines, Iowa and St. Louis, Mo., (3) between St. Louis, Mo., and Kansas City, Mo., (4) the applied-for regular route operations between Kansas City, Mo., and St. Louis, Mo., and (5) the appliedfor regular route operations for operating convenience only, between St. Louis, Mo., and Albuquerque, N. Mex. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and New Mexico, and irregular route operations ın Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wyoming.

No. MC 79496 Sub 1, filed August 8, 1955. WHITE STAR TRANSFER, INC., 3324 Smith St., Everett, Wash. For authority to operate as a common carrier, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Snohomish, Skagit, Whatcom, San Juan, and Island Counties, Wash., on the one hand, and, on the other, points in Oregon, Washington, and California; heavy machinery, between Everett, Wash., on the one hand, and, on the other, points in that part of Oregon on the west of a line extending from the Washington-Oregon State line through Rhododendron and Midland, Oreg., to the Oregon-Califorma State line; general commodities, except those of unusual value, Class A and Class B explosives, household goods

as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points within three miles of Everett, Wash., including Everett. In Certificate No. MC 79496 applicant holds authority to transport household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, between points and places in Snohomish and Skagit Counties, Wash., on the one hand, and, on the other, points and places in Oregon and Washington; heavy machinery, between Everett, Wash., on the one hand, and, on the other, points and places in that part of Oregon on and west of a line extending from the Washington-Oregon State line through Rhododendron and Midland, Oreg., to the Oregon-California State line; general commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points and places within three miles of Everett, Wash., including Everett. By this application applicant seeks a consolidated certificate including additional counties in the transportation of household goods.

No. MC 98715 Sub 2, filed July 27, 1955, and amended September 6, 1955, C. & W. TRANSFER COMPANY, INCORPORATED, 17th and Broad Streets, Richmond 19, Va. Applicant's attorney. Albert T. Ellwanger, Jr., State-Planters Bank Bldg., Rithmond, Va. For authority to operate as a common carrier, over irregular routes, transporting: Peanut hulls from points in North Carolina on and east of U. S. Highway 1 to points in Chesterfield and Horrico Countles. Vo.

Chesterfield and Henrico Counties, Vo. No. MC 103378 Sub 46, filed September 1, 1955, PETROLEUM CARRIER COR-PORATION, 369 Margaret St., Jacksonville, Fla. Applicant's attorney. Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a common carrier, over irregular routes, transporting: Asphalt, asphalt emulsions, and petroleum fuel oils, in bulk, in tank vehicles, from Douglasville, Ga. to (1) points in North Carolina and South Carolina lying on and west of a line beginning at the intersection of North Carolina Highway 88 and the Tennessee-North Carolina State line, thence south along the North Carolina Highway 88 to Blowing Rock, N. C., thence along U. S. Highway 321 to Hickory, N. C?, thence along U. S. Highway 70 to Statesville, N. C., thence along U. S. Highway 21 to Charlotte, N. C., thence along U. S. Highway 74 to Monroe, S. C., thence along U. S. Highway 601 to Pageland, S. C., thence along South Carolina Highway 151 to McBee, S. C., thence along U. S. Highway 1 to Camden, S. C., thence along U. S. Highway 521 to Sumter, S. C., thence along U.S. Highway 15 to its intersection with U.S. Highway 17, thence along U. S. Highway 17 to the Georgia-South Carolina State line; (2) points in Alabama lying on, east, and north of a line beginning at the intersection of U.S. Highway 231 with the Tennessee-Alabama State line, thence south along U.S. Highway 231 to Huntsville, Ala., thence along Alabama State Highway 20 to Decatur, Ala., thence along U.S. Highway 31 to Montgomery, Ala., and thence along U.S. Highway 82 to the Georgia-Alabama State line. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, and South Carolina.

No. MC 104873 Sub 1, filed August 12, 1955, THE MINNEAPOLIS & ST. LOUIS RAILWAY COMPANY, a Minnesota corporation, 111 East Franklin Avenue, Minneapolis 4, Minn. Applicant's attorney. Richard Musenbrock, same address as applicant. For authority to operate as a common carrier over a regular route, transporting: General commodities, except Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between Monmouth, Ill., and Keithsburg, Ill., from Monmouth over Illinois Highway 164 to junction Illinois Highway 135, thence north over Illinois Highway 135 to junction Illinois Highway 94, thence over Illinois Highway 94 to junction unnumbered highway, approximately five (5) miles south of Aledo, Ill., thence over unnumbered highway to Keithsburg, and return over the same route, serving the intermediate points of Little York and Seaton, Ill. RE-STRICTION: (a) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Minneapolis & St. Louis Railway Company, hereinafter called the railroad; (b) Said carrier shall not serve or interchange traffic at any point not a station on a rail line of the railroad; and (c) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of rail service. Applicant is authorized to conduct operations in Illinois and South Dakota.

No. MC 106074 Sub 11, filed August 9, 1955, HOWELL BRYSON, BERNARD GOLDSTEIN AND NEMIAH GOLD-STEIN, doing business as B & P MOTOR LINES, 101 Main Street, Hazelwood, N. C. Applicant's attorney Robert R. Williams, Jr., P. O. Box 7295, Jackson Building, Asheville, N. C. For authority to operate as a common carrier over irregular routes, transporting: Petroleum products, lubricants, oils, and greases which do not require tank vehicles or other special equipment, from Kansas City, Kans., to all points in Buncombe, Haywood, Jackson, Swain, Cherokee, Graham, Clay, Macon, Transylvania, Henderson, Madison, Avery, Mitchell, Yancey, McDowell, Polk, and Rutherford Counties, N. C., and damaged shipments of the above-specified commodities on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey, North Carolina, and West Virginia. No. MC 106400 Sub 14, filed June 13,

No. MC 106400 Sub 14, filed June 13, 1955, KAW TRANSFORT COMPANY, a Missouri corporation, 517 N. Sterling, Sugar Creek, Mo. Applicant's attorney-Henry M. Shughart, 914 Commerce

Building, Kansas City, Mo. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, between Kansas City, Mo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Kansas beyond 150 miles of Kansas City, Mo.

NOTE: Applicant states that the destination area is intended to include all points in the State of Kansas not now authorized to be served from the Kansas City, Mo., area under applicant's existing authority. Applicant is authorized to conduct operations in Iowa, Kansas, and Missouri.

No. MC 107002 Sub 81, filed August 30, 1955, WALTER M. CHAMBERS, doing business as W M. CHAMBERS TRUCK LINE, 105 Giuffrias Ave., P. O. Box 687, New Orleans, La. For authority to operate as a common carrier over irregular routes, transporting: Liquid glue, in bulk, in tank vehicles, and glue hardener in drums, moving on the same tank vehicle, from Memphis, Tenn., to points in Arkansas, Louisiana, Mississippi, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

No. MC 107348 Sub 2, filed August 26, 1955, L. A. SIMMONS, doing business as A & F MOTOR LINES, P O. Box 244, Ashdown, Ark. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Wilton, Ark., and Nashville, Ark., from Wilton over U. S. Highway 71 to junction Arkansas Highway 27, thence over Arkansas Highway 27 to Nashville, and return over the same route, serving the intermediate points of Ben Lomond and Mineral Springs, Ark. Applicant is authorized to conduct operations in Arkansas and Texas.

No. MC 107407 Sub 14, filed August 30, 1955, BRODBECK TRUCKING CO., INC., 2310 South Main Street, South Bend, Ind. Applicant's attorney Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a common carrier, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Ford Motor Company Sterling Plant at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's authorized regular-route operations to and from Detroit, Mich. Carrier is authorized to conduct operations in Indiana. Michigan and Ohio.

No. MC 108035 Sub 3, filed July 11, 1955, ARTHUR PIERSON, 119 Water Street, Box 130, Newton, N. J. Applicant's attorney August. W Heckman, 880 Bergen Avenue, Jersey City, N. J. For authority to operate as a common carrier over irregular routes, transporting: Humus, in bulk, in bags and loose.

from Great Meadows (Warren County) and Culvers (Sussex County) N. J., to points in Pennsylvania, New York, Connecticut, and New Jersey, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified from the above-specified destination points to the above-described origin points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 111320 Sub 21, filed August 30. 1955, CURTIS KEAL TRANSPORT COMPANY, INC., E. 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland, Ohio. For authority to operate as a common carrier over irregular routes, transporting: Road building and earth moving equipment and parts thereof in driveway service, between Marion, Ohio, on the one hand, and, on the other, points in Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, North Carolina and South Carolina. Applicant is authorized to conduct operations throughout' the United States.

No. MC 111717 Sub 12, filed August 31, 1955, TRACTOR TRANSPORT, INC., 535 South 84th St., Milwaukee, Wis. Applicant's attorney. Frank M. Coyne, Union Trust Bldg., 1 West Main St., Madison 3, Wis. For authority to operate as a contract carrier over irregular routes, transporting: Tractors and farm machinery, from West Allis, Wis., to points in Oklahoma and Louisiana. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Michigan, Indiana, Ohio, Missouri, Kansas, Nebraska, Wisconsin, North Dakota, South Dakota, Colorado, Pennsylvania, West Virginia, Kentucky, Tennessee, Georgia. and Mississippi.

Georgia, and Mississippi.

No. MC 111717 Sub 13, filed August 31, 1955, TRACTOR TRANSPORT, INC., 535 South 8th St., Milwaukee, Wis. Applicant's attorney Frank M. Coyne, Union Trust Bldg., 1 West Main St., Madison, Wis. For authority to operate as a contract carrier over irregular routes, transporting: Tractors, farm machinery, and related parts, from Gadsden, to points in Mississippi, Arkansas, Tennessee, Kentucky, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, and Minnesota. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Michigan, Indiana, Ohio, Missouri, Kansas, Nebraska, Wisconsin, North Dakota, South Dakota, Colorado, Pennsylvania, West Virginia, Kentucky Tennessee, Georgia, and Mississippi.

No. MC 115326 Sub 1, filed August 10, 1955, J. & M. ENTERPRISES, INC., 1048 New Tampa Highway, Lakeland, Fla. For authority to operate as a contract carrier over regular routes, transporting: Salt, in cartons and in bags, and salt blocks, (including both evaporated and rock salt), from Avery Island, La., to Tampa, St. Petersburg and Orlando, Fla.; (1) from Avery Island over Louisiana Highway 445 to junction U. S. Highway 90, thence over U. S. Highway

90 to LaFayette, La., thence over Louisiana Highway 167 to Opelousas, La., thence over U.S. Highway 190 to junction U.S. Highway 90 at or near Slidell, La., thence over U.S. Highway 90 to Tallahassee, Fla., thence over U.S. Highway 319 to junction U.S. Highway 98, thence over U.S. Highway 98 to junction U.S. Highway 41 and Florida Highway 50 at Brooksville, thence over Florida Highway 50 to Orlando: and (2) from Avery Island over the above described regular route to junction U.S. Highways 98 and 41 and Florida Highway 50 at Brooksville, thence over U.S. Highway 41 to Tampa, and thence over U.S. Highway 92 to St. Petersburg.

No. MC 115378 Sub 2, filed July 18, 1955, URANIUM ORE TRANSPORT COMPANY, a corporation, Box 504, Phoemx, Ariz. Applicant's attorney Roland Webster, Jr., Heard Building, Phoenix, Ariz. For authority to operate as a common carrier, over irregular routes, transporting: Ores, in bulk, (1) from points in Apache, Navajo, Coconino, Mohave and Yavapai Counties, Ariz. (except points within 50 miles of Holbrook, Ariz.) to Bluewater, N. Mex., (2) between points in Apache, Navajo, Coconino, Mohave and Yavapai Counties, Ariz., and (3) from points in San Juan, Kane, Washington and Garfield Counties, Utah, to Tuba City, Ariz. Applicant has no permanent authority to transport the commodities specified.

No. MC 115496 Sub 2, filed September 1, 1955, J. E. Lee, P. O. Box 245, Ocilia, Ga. Applicant's attorney' Paul M. Daniell, 214 Grant Bldg., Atlanta 3, Ga. or authority to operate as a common carrier over irregular routes, transporting: Lumber, from points in Georgia on and south of U. S. Highway 80 to points in Florida.

No. MC 115536, filed August 22, 1955, CANADIAN NATIONAL RAILWAY COMPANY, a corporation, 360 McGill Street, Montreal, Quebec, Canada. Applicant's attorney J. P Tryand, Assistant General Attorney, Law Department, Grand Trunk Railroad Company, 131 West Lafayette Blvd., Detroit 26. Mich. For authority to operate as a common carrier, over a regular route, transporting: General commodities, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (less than carload lots only), between the International Boundary line between the United States and Canada at Detroit, Mich., and Detroit, Mich., from the International Boundary line between the United States and Canada at Detroit through the Detroit-Windsor Tunnel to the Tunnel exit at Detroit. thence south over Randolph Street to junction Atwater Street, thence east over Atwater Street to Brush Street Station located at Brush and Atwater Streets, thence east on Atwater Street to Grand Trunk Western Railroad Company's freight warehouse at Beaubien and Atwater Streets, serving no intermediato points.

No. MC 115546, filed August 29, 1955, FRANK P. POTTS, Ridge Road, Ontario, N. Y. Applicant's representative: Ray-

mond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a common carrier over irregular routes, transporting: Component parts of sash balances, from Rochester, N. Y., to Jackson, Miss. Empty containers or other such incidental facilities (not specified) used in transporting the commodities specified on return

modities specified, on return.

No. MC 115549, filed August 29, 1955, ROBERT WAGNER, 150 Mansion St., Poughkeepsie, N. Y. Applicant's attorney William F Leahey, 4 Liberty St., Poughkeepsie, N. Y. For authority to operate as a common carrier over irregular routes, transporting: Cut up scrap tron, under 5 feet in length, from Poughkeepsie, N. Y., to Newark, N. J.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12617 Sub 1, filed August 29, 1955, JAMES L. HAMMER, doing business as KNOXVILLE TOURS, 212 Oglewood Avenue, N. E., Knoxville, Tenn. For a license (BMC 5) authorizing operations as a broker at Knoxville, Tenn., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of passengers and their baggage, in the same vehicle with passengers, in special or charter service, in round-trip tours beginning and ending at points in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Georgia, Alabama, and Florida, and extending to points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: By this application applicant proposes to extend his operations authorized in Certificate No. MC 12617 dated May 9, 1955. Customers will be solicited to purchase vacation trips for a fixed sum of money for which applicant proposes to provide transportation, hotel accommodations and guided tours. No tickets will be sold to customers but a receipt for money paid will be issued.

. No. MC 12634, filed August 31, 1955, HENRY RIST, doing business as PAR-ALLEL SKI SCHOOL, 164 East 86th Street, New York 28, N. Y. For a license (BMC 5) authorizing operations as a broker at New York, N. Y., in arranging for transportation in interstate or foreign commerce by motor vehicle, of passengers and their baggage, in the same vehicle with passengers, in charter service, in round-trip, all expense tours, beginning and ending at New York, N. Y., and extending to points in Connecticut, Massachusetts, Vermont, Pennsylvania, New York, New Jersey and New Hampshire.

NOTE: Purpose of proposed trips is to give instruction in skiing only. There will be no profit made on the arrangement of transportation. Food, lodging and transportation will be figured at cost, and price of trips will allow a profit on the instruction only.

APPLICATIONS UNDER SECTION 5 AND 2103. (b)

No. MC-F 6030, published in the July 27, 1955, issue of the Federal Register on page 5375. Application filed September 6, 1955, for temporary authority under Section 210a (b)

No. MC-F 6031, published in the July 27, 1955, issue of the Federal Register on page 5375. Application filed Septem-

ber 1, 1955, for temporary authority LINES, INC., 1191 Post Road, Warwick, under section 210a (b) LINES, INC., 1191 Post Road, Warwick, under section 210a (b)

No. MC-F 6057, published in the August 31, 1955, issue of the Federal Register on page 6430. Application filed September 6, 1955, for temporary authority under Section 210a (b)

SUPPLEMENT

No. MC-F 6036, published in the August 3, 1955, issue of the Federal Register on page 5568. Supplemental application filed September 2, 1955, to show KENNETH G. WHITAKER, FRITZ KRUEGER and CLYDE CLOUSE in control of vendee.

CORRECTION

No. MC-F 6045 published in the August 31, 1955, issue of the Federal Register on page 6430. The original date of publication was erroneously shown as August 7, 1955, instead of August 17, 1955.

No. MC-F 6065. Authority sought for control by MORRILL AKENS, doing business as AKENS MOVING AND STORAGE, 730 Main St., Moosic, Pa., LOUIS ARNOFF, Millerton Road, Lakeville, Conn., EDWIN F BANFIELD, doing business as BANFIELD'S MOVING & STORAGE 6 E. Washington Ave., Atlantic Highlands, N. J., CARDWELL TRUCK SERVICE, INC., 504 S. 4th St., Danville, Ky., CENTRAL TRANSFER & STORAGE CO., 2639-41 Elm St., Dallas, Texas, GEORGE COPENHAVER, SR., GEORGE COPENHAVER, JR., and PAUL COPENHAVER, doing business as COPEY'S TRANSFER, 379 Penn. Ave., Sharon, Pa., BEN DEIKE TRANSFER & STORAGE, INC., 327-421 Poplar St., Mankato, Minn., A. W DUNN, doing business as A. W DUNN TRANSFER CO., 704 N. Bolivar St., Marshall, Tex., FEDERAL STORAGE WAREHOUSES, doing business as FEDERAL STORAGE, 155 Washington St., Newark, N. J., C. B. McDANIEL, doing business as HILL-DRUP TRANSFER, Lafayette Blvd. & R. F. & P. Freight Station, Fredericksburg, Va., RALPH HUMES, doing business as R. HUMES TRANSFER COM-PANY, 129-33 Smithfield St., Mingo Junction, Ohio, JOHNSON STORAGE WAREHOUSE, INC., 215 Garrison, Ft. Smith, Ark., EDWARD KELLER and ROLAND KELLER, doing business as KELLER & SONS, 106 Hamilton St., Allentown, Pa., CARL EDWIN KELTON, doing business as C. E. KELTON, Taft Ave., White River Junction, Vt., ELMER D. LITCH, 26 Cass St., Springfield, Mass., MRS. HARRY H. LONG, 1001 S. Douglas St., Appleton, Wis.

THE MCKINLEY STORAGE & TRANSFER CO., 300 Cherry Ave., N. E., Canton, Ohio, THOMAS E. MILLS, doing business as MILLS TRANSFER CO., 610 Fourth Ave., Gallipolis, Ohio, MYERS TRANSFER & STORAGE CO., 418 3rd Ave., Huntington, W Va., HARLOW ANDREW OSTEBOE, doing business as OSTEBOE MOTORWAY, 920 Second St., Windom, Minn., WILLIAM RABE and WALTER RABE, doing business as RABE BROTHERS, 75-26 166th St., Flushing, N. Y., CARL H. G. SALKA, 87 Camp St., Meriden, Conn., SILVER ARROW VAN

R. I., SOFIA BROTHERS, INC., 475 Amsterdam Ave., New York, N. Y., VOSBURGH COMPANY, INCORPORATED, 618 Campbell Ave., West Haven, Conn., and WESTMOUNT MOVING & WARE-HOUSING, LTD., 350 Victoria Ave., Westmount, Montreal, Quebec, Canada, of the operating rights and property of NORTH AMERICAN VAN LINES, INC., P. O. Box 938, Ft. Wayne 1, Ind. Operating rights sought to be controlled: Household goods, as defined by the Commission, as a common carrier over irregular routes, between points in all States in the United States and the District of Columbia. Applicants are authorized to operate in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6067. Authority sought for purchase by HEAVY HAULERS, INC., 1301 Elm St., Toledo, Ohio, of a portion of the operating rights of THE BILLY BAKER COMPANY, 1301 Elm St., Toledo, Ohio, and for acquisition by GOR-DON F. LARAMIE, RACHEL TURNER, CORA TURNER WILCOX, E. S. TUR-NER, E. L. BARBER, M. A. ARCHAM-BAULT, TURNER CARTAGE & STOR-AGE CO. and GENERAL RIGGERS & ERECTORS, INC., of control of said operating rights through the transaction. Applicant's Attorney Charles Pieroni, 523 Johnson Bldg., Muncie, Ind. Operating rights sought to be transferred: Used contractors' equipment, as a common carrier, over irregular routes, between certain points in Ohio and Michigan: prefabricated structural iron and steel articles, including prefabricated furnaces and treated ties, piling timbers, and wood paving blocks, from Toledo, Ohio, to certain points in Michigan; machinery, between points in Lucas and Wood Counties, Ohio, on the north of U. S. Highway 20, on the one hand, and, on the other, Detroit, Mich., heavy machinery, between Toledo, Ohio, on the one hand, and, on the other, points in Indiana, Michigan, New York, and Pennsylvania; contractors equipment, machinery, and supplies, between certain points in Ohio, Michigan, Indiana, New York, and Pennsylvania; and such commodities which because of size or weight require special handling or the use of special equipment, except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk, between certain points in Ohio, Indiana, Illinois, and New York. Vendee holds no authority from this Commission but its controlling stockholders operate in Michigan under the second proviso of section 2062 of the act. Three directly related application on Form BMC 78 have been tendered for filing by Turner Cartage and Storage

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Company, General Riggers & Erectors, Inc., and Morris G. Laramie & Son, Inc. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6069. Authority sought for purchase by MARY G. COOK, HELEN M. COOK (ROBERT B. COOK and DAVID M. COOK, CO-EXECUTORS) DAVID M. COOK and ANTHONY W SELVIO, doing business as KAIN'S MOTOR SERVICE, West End of Bates St., Logansport, Ind., of the operating rights of VIRGIL B. STURTSMAN AND LEWIS A. STURTSMAN, doing business as ELWOOD TRANSFER, 944 N. 13th St., Elwood, Ind. Applicant's attorney Ferdinand Born, 706-708 Chamber of Commerce Bldg., Indianapolis, Ind. Operating rights sought to be purchased: General commodities, as a common carrier under the Second Proviso of Section 206 (a) (1), between Elwood, Ind., and all points within a fifteen mile radius of Elwood, Ind. Vendee is authorized to operate in Illinois and Indiana. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6070. Authority sought for purchase by JEFFRIES-EAVES, INC., 501 Scarbauer St., Hobbs, N. Mex., of a portion of the operating rights and certain property of BELL TRANSPORTA-TION COMPANY, 1406 Hays St., Houston 9, Texas, and for acquisition by J. W EAVES, 820-2nd St., N. W., Albuquerque, N. Mex., and HARRY EAVES, 810 W Marland, Hobbs, N. Mex., of control of the operating rights and property through the purchase. Applicants' attorney Donován N. Hoover, P O. Box 897, 316 E. Macy St., Santa Fe, N. Mex. Operating rights sought to be transferred: Machinery, material, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a common carrier over irregular routes, between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska, pipe, pipeline materials, machinery, supplies, and equipment, incidental to, or used in, the construction, repairing, maintenance, and dismantling of gas, gasoline, and oil pipelines, including the stringing of

pipe, between points in Wyoming, Montana, Utah, and Colorado; Commodities, other than petroleum products, in bulk, used in, or in connection with the construction, repair, and maintenance of dams and power plants, between points in Hot Springs, Fremont, Carbon, and Natrona Counties, Wyo. Vendee is authorized to operate in Arizona, New Mexico, Texas, and Colorado. Application has not been filed for temporary authority under Section 210a (b)

By the Commission.

[SEAL] HAR

HAROLD D. McCoy, Secretary.

[F. R. Doc. 55-7387; Filed, Sept. 13, 1955; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT-HAUL

FSA No. 31072: Silica Sand from Okla., and Tex., to the South. Filed by F. C. Kratzmer, Agent, for interested rail carriers. Rates on silica sand, carloads from Ada, Denny, Hickory, Mill Creek, Roff, and Sulphur, Okla., and Santa Anna, Tex., to points in southern territory.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 33 to Agént Kratzmeir's I. C. C. 4135.

FSA No. 31073: Sheet Iron or Steel Containers to Newport News, Va. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on containers, sheet iron or steel, carloads from Niles, Warren, North Warren, Ohio, and Sharon, Pa., to Newport News, Va.

Grounds for relief; Carrier competi-

Grounds for relief: Carrier competition and circuity.

FSA No. 31074. Magazines or Periodicals from Sparta, III., to the East. Filed by H. R. Hinsch, Agent, for interested

rail carriers. Rates on magazines or periodicals, carloads from Sparta, Ill., to Baltimore, Md., Boston, Mass., New York, N. Y., Philadelphia, Pa., and Washington, D. C.

Grounds for relief: Carrier competition and circuity.

FSA No. 31075: Grain and Grain Products from and to Points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on grain and grain products, carloads between stations in Texas, on one hand, and stations in Now Mexico, on the other.

Grounds for relief: Motor competition

and circuity.

Tariff: Supplement 71 to Agent Brown's I. C. C. 764. FSA No. 31076: Pickled Fish from Me-

FSA No. 31076: Pickled Fish from Menominee, Mich. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fish, pickled, carloads from Menominee, Mich., to points in Pennsylvania, Virginia, and West Virginia.

Grounds for relief: Carrier competi-

tion and circuity.

FSA No. 31077. Iron and Steel Scrap from and to Baltimore and Sparrows Point, Md. Filed by C. W Boin, Agent, for interested rail carriers. Rates on iron or steel scrap, carloads between Lynchburg and Roanoke, Va., on one hand, and Baltimore and Sparrows Point, Md., on the other.

Grounds for relief: Rail competition

and circuity.

Tariff: Supplement 25 to Baltimore & Ohio Railroad tariff I. C. C. 24121 and three other tariffs.

FSA No. 31078: Cast Iron Pressure Pipe and Fittings from Bond and Lone Star, Tex. Filed by J. F Brown, Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from Bond and Lone Star, Texas to points in Texas and Shreveport, La., group.

Grounds for relief: Market competition, truck competition and circuity.

Tariff: Supplement 23 to Agent Brown's I.-C. C: 851.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F. R. Doc. 55-7386; Flied, Sept. 13, 1955; 8:46 a. m.]